

Acts and Amendments to the School Laws of Ohio

PASSED BY THE SEVENTY-FIFTH
GENERAL ASSEMBLY AT ITS
REGULAR AND EXTRAORDINARY
SESSIONS

1902

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ADDITIONS AND AMENDMENTS
TO THE
SCHOOL LAWS OF OHIO.

[House Bill No. 187.]

AN ACT

To supplement section 4009 of the Revised Statutes by enacting supplemental section 4009-21.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4009 of the Revised Statutes be supplemented by the enactment of supplemental section 4009-21 as follows:

Schools and attendance enforced:

Sec. 4009-21. That, whenever any township or joint township high school district shall have been formed agreeably to the provisions of an act passed April 25, 1898, and found on page 281, 93 Ohio Laws, and the board of education have purchased a site and erected a school building or are now erecting such building and have made provision for schools agreeable to said act, the township board of education may and hereby are authorized to discontinue the sub-district schools of such township or township; and make such provision for the conveyance of the pupils of such township or joint township high school district to the school or schools as aforesaid provided for them, and pay the expenses of such conveyance of the pupils out of the contingent fund of the township district in which such school is located, according to the provisions of section 3921 of the Revised Statutes.

Discontinuance of sub-district schools; transfer of pupils.

How expense to be defrayed.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.

CARL L. NIPPERT,
President of the Senate.

Passed February 7, 1902.

6 G

[House Bill No. 178.]

AN ACT

To amend section 3959 of the Revised Statutes of Ohio, as amended March 22d 1900, and April 16th 1900 (94 O. L., 66 and 391).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3959 of the Revised Statutes of Ohio be amended to read as follows:

School funds:

(3)

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Maximum of
levy; excep-
tions.

Sec. 3959. Such estimate and levy shall not exceed, in cities of the first grade of the first class, three and one-fourth mills; provided, however, that the boards of education in said cities may levy one mill additional for every five thousand pupils over and above twenty-five thousand enrolled in the public schools of said cities, which levy, however, shall in no case exceed four and one-tenth mills; and in cities of the second grade of the first class such estimate and levy shall not exceed * * * seven mills on the dollar of valuation of taxable property * * * provided, however, that boards of education in said cities of the second grade of the first class may levy * * * in addition to the seven mills, a tax not to exceed one mill on the dollar of valuation of taxable property within said district which said levy shall be used for the purchase of schoolhouse sites and the erection of school buildings thereon and for no other purpose whatever, and for the purpose of paying for such sites or for the construction of such buildings such board of education may issue certificates of indebtedness in anticipation of such levy, payable at such times not exceeding one year from date of issue as they may designate, but bearing no interest before maturity. And in all other districts, except those hereinafter named, such estimate and levy shall not exceed seven mills on each dollar of valuation of taxable property; provided, however, that in counties containing a city of the first grade of the first class, in districts outside such city in which a high school is maintained, and in all special and village districts of any county in the state, such estimate and levy shall not exceed ten mills on each dollar of valuation of taxable property; but a greater tax than is authorized above, except in city districts of the first class, may be levied for either of the purposes specified in section 3958 if the proposition to make such levy shall have been first submitted by the board of education to a vote of the electors of the school district, under a resolution prescribing the time, place and manner of voting on the same, and approved by two-thirds of those voting on the proposition, notice of which election must be given by publication of the resolution for three consecutive weeks prior thereto in some newspaper published and of general circulation in the district, or by posting copies thereof in five of the most conspicuous places in the district, for a like period if no such paper is published therein.

Repeals, etc.

SECTION 2. Section 3959 of the Revised Statutes of Ohio, as amended March 22nd, 1900, and April 16, 1900, is hereby repealed and this act shall take effect on its passage.

W. S. MCKINNON,

Speaker of the House of Representatives.

CARL L. NIPPERT,

President of the Senate.

Passed February 18, 1902.

13 G

STATE OF OHIO

WILLIAM W. WILSON

[House Bill No. 241.]

AN ACT

To amend section 4009-9 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4009-9 of the Revised Statutes of Ohio be amended so as to read as follows:

Schools and attendance enforced.

Sec. 4009-9. That upon application by a board of education or school council of any school district of this state to the state commissioner of schools, he shall grant permission to such board of education or school council and such board of education or school council shall thereupon be empowered to maintain within its limits one or more day schools, having an average attendance of not less than five pupils, for the instruction of deaf persons over the age of three and under twenty-one years, residents of the state of Ohio.

Day schools for deaf children.

SECTION 2. That said original section 4009-9 be and is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.

CARL L. NIPPERT,
President of the Senate.

Passed March 5, 1902.

30G

[House Bill No. 153.]

AN ACT

For the development and maintenance of forests, and for the protection of birds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the governor of said state shall, not later than April appoint and set apart one day in the spring season of each year, as a day on which those in charge of the public schools and institutions of learning under state control, or state patronage, shall, for at least two hours, give information to the pupils and students concerning the value and interest of forestry, and the duty of the public to protect the birds thereof, and also for planting forest trees. Said day shall be known as Arbor day.

Arbor day.

SECTION 2. That the joint resolution passed April 11th, 1892 (79 O. L., p. 243), be and the same is hereby rescinded.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.

CARL L. NIPPERT,
President of the Senate.

Passed March 5, 1902.

31G

[House Bill No. 28.]

AN ACT

To amend section 19 of an "act to provide for the reorganization of boards of education in city districts of the second grade of the first class," passed March 8, 1892 (87 v. 77).

City districts
of first class:
Cleveland.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 19 of an "act to provide for the reorganization of boards of education in city districts of the second grade of the first class, passed March 8, 1902 (Bates' Revised Statutes section 3899-19) be and the same is hereby so amended as to read as follows:

When con-
tract binding.

(3899-19.) Sec. 19. No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any resolution or order for the appropriation or expenditure of money be passed by such school council, or by any officer of such board of education, unless the auditor of such board of education shall first certify that the money required for the contract, agreement or other obligation, or to pay the appropriation or expenditure, is in the treasury, to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded; and the sum so certified shall not thereafter be considered unappropriated until such board of education is discharged from the contract, agreement or obligation, or so long as the resolution or order is in force; and all contracts, agreements or other obligations and all resolutions and orders, entered into or passed contrary to the provisions of this section, shall be void; provided that whenever any loan has been duly authorized by law for the use of such boards of education in city districts of the first class, second grade, the money to arise therefrom shall be deemed in the treasury for the purposes specified, within the meaning of this section. And provided further, that in such city districts of the second grade of the first class, contracts for improvements, extending for a period of one year, upon which payments are to be made from time to time as the work progresses, material is furnished or services performed, such boards of education are authorized to enter into such contracts if the estimated expenditure thereunder does not exceed the taxes levied for such purposes during the term of the contract, and in such cases the certificate of the auditor as herein provided shall not be required other than to state the amount of the levy and that the same is sufficient to pay such expenditures and has not been appropriated for any other purpose.

Repeals.

SECTION 2. That said original section 3899-19 of the Revised Statutes of the State of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.

CARL L. NIPPERT,
President of the Senate.

Passed March 6, 1902.

34G

[House Bill No. 369.]

AN ACT

To establish normal schools at Ohio University at Athens, and at Miami university, , at Oxford and to provide for the appointment of a commission to investigate and report upon the need and advisability of the future establishment by the state of one or more additional normal schools and to consider in what manner and to what extent existing educational institutions other than those now supported by the state can be made more active in the better training of persons for service in the public schools.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and are hereby created and established two state normal schools to be located as follows: One in connection with the Ohio university, at Athens, and one in connection with the Miami university, at Oxford.

State normal
schools:
Location.

SECTION 2. The boards of trustees of said universities shall, not later than September, 1903, organize at their respective institutions a normal school which shall be coördinate with existing courses of instruction, and shall be maintained in such a state of efficiency as to provide proper theoretical and practical training for all students desiring to prepare themselves for the work of teaching; said normal schools, in each case, being under the general charge and management of the respective boards of trustees of said universities.

SECTION 3. To enable the Ohio university and the Miami university to organize and support said normal schools there shall be levied annually a tax on the grand list of the taxable property of the state of Ohio, which shall be collected in the same manner as other state taxes and the proceeds of which shall be made a part of the "Ohio and Miami university fund," as already provided for (O. L., Vol. 92, pp. 40-41). The rate of such levy shall be designated by the general assembly at least once in two years, and if the general assembly shall fail to designate the rate for any year, the same shall be for the said "Ohio and Miami university fund," one-thirtieth (1-30) of one mill upon each dollar of the valuation of such taxable property.

Tax levy for
"Ohio and
Miami univer-
sity fund."

SECTION 4. The said "Ohio and Miami university fund," as herein described, shall be distributed and paid annually, seven-twelfths (7-12) thereof to the treasurer of the Ohio university upon the order of the president of the board of trustees of the said Ohio university and five-twelfths (5-12) thereof to the treasurer of the Miami university upon the order of the president of the board of trustees of said Miami university.

How fund dis-
tributed.

SECTION 5. The governor is hereby authorized and required, within ninety days after the passage of this act, to appoint a board, to be known as the state normal school commission, consisting of four judicious citizens of the state, not more than two of whom shall be of the same political party, who shall serve without compensation, and whose duty it

State normal
school com-
mission, gov-
ernor to
appoint.

Duties.

shall be to make investigation upon the need and advisability of the future establishment by the state of one or more additional normal schools, and to consider in what manner and to what extent existing educational institutions other than those now supported by the state can be made more active and effective in the better training of persons for service in the public schools.

Commission to
make report
to governor.

SECTION 6. The state normal school commission shall, prior to the meeting of the seventy-sixth general assembly, make full report of its findings and investigations to the governor, who shall upon the organization of the general assembly transmit to it said report with such recommendations as he may deem proper.

SECTION 7. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.

CARL L. NIPPERT,
President of the Senate.

Passed March 12, 1902.

37G

[Senate Bill No. 103.]

AN ACT

To amend section 3894 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Classification
and change of
districts:

Township dis-
tricts may be-
come village
districts.

SECTION 1. That section 3894 of the Revised Statutes of Ohio be amended to read as follows:

Sec. 3894. The board of education of any township district may decide to submit, and, on petition of two-thirds of the electors of the district, shall submit, at the first regular election for township officers after such decision is made or petition received, the question whether such township district shall be governed by the provisions of this title relating to village districts; and the board shall give notice of the vote to be taken, by posting up written or printed notices in ten or more public places in the township, at least twenty days prior to such election.

Repeals, etc.

SECTION 2. Section 3894 of the Revised Statutes of Ohio is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.

F. B. ARCHER,
President pro tem. of the Senate.

Passed March 14, 1902.

45G

[House Bill No. 393.]

AN ACT

To amend section 3924 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That said section 3924 of the Revised Statutes of Ohio be so amended as to read as follows:

Special
districts:

Sec. 3924. There shall be elected annually, by ballot, on the first Monday in April, in each special district, by the qualified electors thereof, at the usual time and place of holding school elections in such district, one judicious and competent person to serve as member of the board for three years from the second Monday succeeding his election, and until the election and qualification of his successor; but in special districts hereafter established the first election for members of the board shall be held within twenty days after such establishment, at least five days' previous notice of which, stating the time and place of meeting, and signed by at least three electors of the district, shall be posted in three of the most conspicuous places in the district; at such meeting a chairman and clerk shall be chosen, and there shall be elected three members of the board, one to serve until the second Monday of April next succeeding his election, and one to serve for one year and one for two years from said second Monday, and each to serve until the election and qualification of his successor.

Election of
members of
school board.

SECTION 2. That said original section 3924 be and the same is hereby repealed; and this act shall take effect on and after its passage.

W. S. MCKINNON,

Speaker of the House of Representatives.

CARL L. NIPPERT,

President of the Senate.

Passed March 19, 1902.

50G

[House Bill No. 547.]

AN ACT

To provide for the administration of charitable trusts in certain cases.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Whenever, by the last will and testament of any person which has heretofore been, or shall hereafter be, duly admitted to probate in this state or elsewhere, any decedent has devised or bequeathed, or may devise or bequeath, his or her property, or any portion thereof, for charitable uses within this state, or for the establishment and maintenance of any industrial or educational school or institution to be located at any place within this state; and whenever, in any such will and testament it has been, or may

Administration
of charitable
trusts in cer-
tain cases.

be, provided that the executor or executors thereof shall organize a corporation under the laws of this state for the purpose of receiving the property so devised or bequeathed, and carrying out the charitable purposes in such will expressed, or establishing and maintaining the institution or school therein provided for, and such will further provides for the management of such corporation by a board of trustees or directors, consisting, in part of officials of this state, of the county in which such charities are to be administered or such institution or school located, the officials of any municipal incorporation in said county, and the member of congress for the district of which said county forms a part, or any of such officials, and names any other person or persons to be associated with said officials or any of them, and provides for the appointment of a successor or successors to the person or persons so appointed to act with such officials in any manner specified in said will, such executor or executors, or his or their successors in office, and the persons hereinafter named, may constitute themselves a body corporate, with the general power of benevolent incorporations.

Articles of incorporation to be filed.

SECTION 2. Such executor or executors, or his or their successors, shall associate with himself or themselves not more than two citizens and residents, other than the persons named in said will, of the county in which such charities are to be administered, or such institution or school located, and he or they and such associates shall execute and acknowledge and file with the secretary of state of the state of Ohio, articles of incorporation; or, in case he or they do not file such articles within sixty days from and after the passage of this act, or, in case of any will which may hereafter be so probated, within six months of such probate, then a minority of the officials for the time being named in any such will or testament may execute, acknowledge and file such articles, which shall in either case set forth:

What shall be
What shall
be set forth
therein.

1. A copy of the will or testament for the carrying out of whose provisions the incorporation is organized.

2. The name of the corporation, which shall include the name of the maker of such will, unless otherwise therein provided; and

3. The location of such corporation.

Who members
and directors
of corporation.

SECTION 3. The officers or officials named in such will or testament, together with the persons therein named, and in case the articles are filed by the executor or executors as hereinbefore provided, the citizens of said county, not exceeding two in number, who execute and acknowledge the same with such executor or executors, shall thereupon become the members and directors of such corporation; and as the term of any official expires, his successor shall thereupon, by virtue of his office, become one of the members and directors of such corporation, so that the officials named in said will shall, for the time being and from time to time, be directors of said corporation. Upon the death or resignation of the person or persons named in such will as directors

Succession.

associated with such officials, his or their successor or successors shall from time to time be appointed in the manner provided in such will or testament, if provision therefor be made, otherwise by the board of directors, and he or they shall thereupon become members and directors of such incorporation. Upon the death or resignation of the two citizens of the county, or either of them, who have become directors by reason of joining in said articles of incorporation, his or their successor or successors shall from time to time be chosen by the board directors, and he or they shall thereupon become members and directors of such incorporation.

SECTION 4. The attorney general of the state of Ohio shall in his official capacity have power to bring proceedings in any court of record to enforce any such devise or bequest, whenever he deems such action necessary for the protection and carrying out of the purposes named in said last will and testament, without waiting for the organization of such corporation.

Attorney general given power to bring proceedings to enforce such devise or bequest.

SECTION 5. The officers of such corporation shall consist of a president, secretary and treasurer, and such other officers as the board of directors may deem necessary. The president shall be a member of the board of directors.

Officers of corporation.

SECTION 6. The board of directors may adopt, and from time to time change, such organic rules, regulations and by-laws as they may deem expedient, not inconsistent with the constitution and laws of this state.

Constitution and by-laws.

SECTION 7. Until the estate shall be finally settled, the board of directors may meet in the state of the domicile of the testator.

Directors to meet where.

SECTION 8. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.
CARL L. NIPPERT,
President of the Senate.

Passed March 19, 1902.

53G

[Senate Bill No. 249.]

AN ACT

To amend sections (4029-1), (4029-2), (4029-3), and (4029-4) of the Revised Statutes of Ohio as amended March 25, 1902.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That sections (4029-1), (4029-2), (4029-3), and (4029-4) of the Revised Statutes of Ohio be amended to read as follows:

Boxwell examination.

Sec. 4029-1. Each board of county school examiners shall hold examinations of pupils of township, special and joint subdistricts in the subjects of orthography, reading,

Examination for entering high school.

Number of
examinations;
when and
where.

Preparation of
questions.

Township
commence-
ment.

County com-
mencement;
diploma.

Compensation
of examiners
and contingent
expenses.

writing, arithmetic, English grammar and composition, geography, history of the United States including civil government, and physiology. Two such examinations shall be held annually, one on the third Saturday in April, and one on the second Saturday in May, at such place or places as the county board of examiners may designate. The questions for all such examinations, throughout the state, shall be uniform and be prepared under the direction of the state commissioner of common schools, and sample lists shall be mailed, under seal, to the clerks of the said boards of examiners not less than ten days before each examination. Upon receipt of said lists, the said boards are authorized and required to have a sufficient number of copies of the same printed for use at the examination. Only such applicants as receive an average grade of seventy per cent., with no grade less than fifty per cent. in any branch shall be passed. It shall be the duty of the township boards of education upon written notice, filed by a successful applicant, with the clerk of the board of education, to provide for holding a township commencement not later than the month of June, at some place within the civil township, and to appoint some suitable person to have charge of the same. At this commencement each successful applicant residing in the township school district or any special or joint sub-district having its schoolhouse located within the civil township of which the township district forms a part, shall be required to deliver an oration or declamation, or read an essay; thereupon said board of education shall issue a certificate to each successful applicant, stating that said applicant has taken part in said commencement. The board of county school examiners shall provide for the holding of a county commencement not later than August fifteenth, at such place as it may determine. At this commencement there shall be delivered an annual address, at the conclusion of which a diploma shall be presented to each successful applicant who has complied with the provisions of this act; said diploma shall entitle the holder thereof to enter any high school in the state.

Sec. 4029-2. The compensation of county examiners shall be the same as that fixed in section 4075 of the Revised Statutes of Ohio for the examination of teachers, and each member of the said board of examiners shall be allowed the minimum fee provided for holding examinations for teachers as remuneration for his services incident to the county commencement, and such compensation and the necessary expenses incident to the examination and county commencement shall be paid out of the county treasury as provided in said section 4075; no other compensation shall be allowed county examiners for holding the county commencement. The expenses incident to the township commencement shall be paid by the township board of education from the contingent fund of the township district, and when the pupils of special districts take part in such commencements the

boards of education of such districts shall pay, from their contingent funds, to the township board of education their share of such expenses, such share to be based on the proportion of pupils, from each district, taking part in such commencements; a proportional share for pupils from joint subdistricts, taking part in such commencements, shall be paid from the contingent fund of said joint subdistricts.

Sec. 4029-3. The tuition of pupils holding diplomas and residing in township, special, or joint subdistricts, in which no high school is maintained, shall be paid by the board of education of the district in which they have legal school residence, such tuition to be computed by the month and an attendance any part of the month shall create a liability for the entire month; but a board of education maintaining a high school shall charge no more tuition than it charges for other nonresident pupils, and no board of education shall be required to pay the tuition of any pupil for more than four school years; provided the board of education shall be required to pay the tuition of all successful applicants, who have complied with the provisions of this act, residing more than three miles from the high school provided by said board, when said applicants attend a nearer high school. The tuition of pupils residing in joint subdistricts shall be paid by the boards of education, having control of such districts, from the contingent funds of said districts. A board of education not maintaining a high school may enter into an agreement with one or more boards of education maintaining such school for the schooling of all its high school pupils and when such agreement is entered into the board making the same shall be exempt from the payment of tuition at other high schools; provided the school or schools selected are located in the same civil township, or some adjoining township, as that of the board making the agreement. Where no such agreement is entered into the school to be attended can be selected by the pupil holding a diploma; provided, due notice in writing, is given to the clerk of the board of education of the name of the school to be attended and the date the attendance is to begin, said notice to be filed not less than five days previous to said beginning of attendance. Said tuition can be paid from either the tuition or contingent funds, and in case the board of education deems it necessary it may levy a tax of not to exceed two mills on each dollar of taxable property in the district or joint subdistrict in excess of that allowed by section 3959 of the Revised Statutes of Ohio; the proceeds of said levy shall be kept in a separate fund and applied only to the payment of such tuition.

Tuition.

Sec. 4029-4. No board of education shall be entitled to collect tuition under this act unless said board shall be maintaining a regularly organized high school with a course of study extending over not less than two years and consisting mainly of branches higher than those in which the pupil is examined. Should the question arise as to the standing

What shall constitute a high school.

or grade of any particular high school, the state commissioner of common schools is hereby authorized to determine the grade of such school and his finding in the case shall be final.

Repeals, etc.

SECTION 2. That sections (4029-1), (4029-2), (4029-3), and (4029-4) of the Revised Statutes of Ohio, as amended March 25, 1902, are hereby repealed and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President pro tem. of the Senate.

Passed March 28, 1902.

65G

[House Bill No. 155.]

AN ACT

To provide for the transfer of libraries and library property to boards of education, and to authorize such boards to provide for the care and maintenance of same.

Be it enacted by the General Assembly of the State of Ohio:

City board of education may acquire private library.

SECTION 1. That whenever in any city organized under chapter 4, division 2, of title 12, of the Revised Statutes of Ohio, there is a library owned by a private incorporated or unincorporated association which the owners, or managers thereof, are willing to dispose of and to transfer to the board of education of such city or school district within which said city is situate, the said board of education is hereby authorized to acquire from said association by purchase, or otherwise, said library and the property used by said association for library purposes. Upon acquiring title to said library and property, the said board of education shall declare the same to be a public library and shall elect a board of managers therefor, consisting of six persons, two of whom, at the first election shall be elected for a period of three years, two for a period of two years, and two for a period of one year, and thereafter, upon the expiration of said terms, and all succeeding terms, said managers shall be elected for three years. And said board of education shall fill vacancies in said board of managers for unexpired terms in like manner, and said board of managers shall at all times be amenable to and under the control of said board of education as to tenure of office and authority and shall serve without compensation. The president of said board of education shall be ex-officio a member of said board of managers, but otherwise, no member of said board of education shall be a member of said library board.

Shall be made a public library.
Board of managers.

Vacancies in board.

Powers and duties of managers.

SECTION 2. Said board of managers shall have the care, custody, control and management of said library and property, under such rules and regulations as they shall prescribe and shall have the power to receive donations of

land, money and other things of value, and to hold, dispose of, or use the same for the benefit of such library. The use of said library shall be free to all residents of said city and territory thereto attached for school purposes. Said board shall have the power to lease or rent suitable place for the use of said library and establish a reading room or rooms in connection therewith.

SECTION 3. Said board of managers shall elect from their number a president, vice-president, and secretary, and shall appoint a librarian and such assistants and employes as may be necessary for the proper conduct of said library. The term of office of said appointees shall be at the pleasure of the board, but shall not exceed three years.

Organization
of board; li-
brarian and
assistants.

SECTION 4. For the purpose of paying for such library purchased and of maintaining and increasing said library and reading rooms, the said board of education may levy upon the general tax duplicate of the school district within which such city is situate, a tax of not to exceed six-tenths of one mill on each dollar of valuation of the taxable property of said school district which shall be levied, assessed and collected as other taxes levied by said board and shall be in addition thereto. The proceeds of said tax when collected, shall constitute and be called the library fund, and shall be paid to the treasurer of the school district, who shall disburse same only upon warrant of said board of managers, signed by the president and secretary thereof. Said board of managers shall expend said fund in the purchase of books, pamphlets, papers, magazines, periodicals, journals, furniture, and such other property as may be necessary for such library and reading rooms and in the payment of all proper charges for maintenance including the compensation of the librarian and other employes of said board. No part of said fund shall be transferred or used for any other purpose than as provided in this section. All money heretofore appropriated, received, or collected by tax levied for public library purposes in said city, or school district, and remaining unexpended shall be transferred to said library fund, and be expended by said board of managers in accordance with the provisions of this act.

Tax levy.

Expenditure
of funds.

SECTION 5. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.

CARL L. NIPPERT,
President of the Senate.

Passed March 31, 1902. 66G

[House Bill No. 327.]

AN ACT

To amend and supplement section 4007 and to amend sections 4009, 4009-1, and 4009-2 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Schools and attendance enforced:

SECTION 1. That section 4007 be amended and supplemented, and sections 4009, 4009-1 and 4009-2 of the Revised Statutes of Ohio be amended so as to read as follows:

Sufficient elementary schools must be provided.

Sec. 4007. Each board of education shall establish a sufficient number of elementary schools to provide for the free education of the youth of school age within the district under its control, at such places as will be most convenient for the attendance of the largest number of such youth, and shall continue each and every elementary day school so established not less than twenty-four nor more than forty weeks in each school year; and each township board of education shall establish and maintain at least one elementary school in each subdistrict under its control, unless other provision is made by the board, as authorized by law.

Elementary school defined.

Sec. 4007-1. An elementary school is hereby defined as a school in which instruction and training are given in spelling, reading, writing, arithmetic, English grammar and composition, geography, history of the United States including civil government, and physiology; but nothing herein shall be construed as abridging the power of boards of education to cause instruction and training to be given in vocal music, drawing, and other branches which they may deem advisable for the best interests of the schools under their charge.

High school defined.

Sec. 4007-2. A high school is hereby defined as a school of higher grade than an elementary school, in which instruction and training are given in approved courses in the history of the United States and other countries; composition, rhetoric, English and American literature; algebra and geometry; natural science, political or mental science, ancient or modern foreign languages, or both, commercial and industrial branches, or such of the above named branches as the length of its curriculum may make possible, and such other branches of higher grade than those to be taught in the elementary schools, and such advanced studies and advanced reviews of the common branches as the board of education may direct.

College defined.

Sec. 4007-3. A college is hereby defined as a school of a higher grade than a high school, in which instruction in the high school branches is carried beyond the scope of the high school and other advanced studies are pursued, or a school in which special, technical or professional studies are pursued, and which may, when legally organized, have the right to confer degrees in agreement with the terms of

the law regulating its practices or its charter; or in the want of legislative direction, in agreement with the practices of the better institutions of learning of their respective kinds in the United States.

Sec. 4007-4. The high schools of the state of Ohio shall be classified into schools of the first, second, and third grades; and all courses of study offered in such high schools shall be in branches enumerated in section 4007-2 of the Revised Statutes of Ohio. A high school of the first grade shall be a school in which the courses offered shall cover a period of not less than four years, of not less than thirty-two weeks each, in which not less than sixteen courses shall be required for graduation; a high school of the second grade shall cover a period of not less than three years, of not less than thirty-two weeks each, in which not less than twelve courses of study shall be required for graduation; a high school of the third grade shall cover a period of not less than two years, of not less than twenty-eight weeks each, in which not less than eight courses of study shall be required for graduation, and all public schools of a less grade shall be denominated as elementary schools. A course of study shall consist of not less than four recitations a week continued throughout the school year.

High schools classified.

First grade.

Second grade.

Third grade.

Sec. 4007-5. A diploma shall be granted by the board of education to any one completing the curriculum in any high school, which diploma shall state the grade of the high school issuing the said diploma as certified by the state commissioner of common schools, and shall be signed by the president and clerk of the board of education, the superintendent and the principal of the high school, if such there be, and shall bear the date of its issue. A certificate shall also be issued to the holder of each diploma in which shall be stated the grade of the high school, the names and extent of the studies pursued and the length of time given to each said study to be certified to in the same manner as set forth for a diploma. And any holder of a diploma from a high school of the first grade shall be entitled to a certificate of admission without examination to any college of law, medicine, dentistry, or pharmacy in the state of Ohio, when the holder thereof shall have completed such courses in science and language as shall be prescribed by the legally constituted authorities regulating the entrance requirements of said college; except such privately endowed institutions which may require a higher standard for entrance examinations than herein provided. And any holder of a diploma from any grade of high school or of a teacher's certificate from a county or city board of teachers' examiners, when such holder has pursued his studies under private tutorage or in an office, shall be eligible to take the examination for admission to the practice of law or to take the examination prescribed to enter a college of law, medicine, dentistry or pharmacy; except such privately endowed institutions which may require a

Diploma to be given to graduate of high school.

Certificate as to grade of school.

Admission without examination to professional school.

Exception.

Who eligible to take examination for admission to bar or to enter professional school.

Exception.

higher standard for entrance examinations than herein provided.

Information as to character of high school to be furnished state commissioner of common schools by clerk of board of education.

When.

Certificate as to grade of school.

Penalty for failure to give information required by this section.

Any board of education may establish high school.

Discontinuance thereof.

Township high schools; management and control thereof.

Sec. 4007-6. It shall be the duty of the clerk of the board of education of each district in which a high school is established and maintained to furnish to the state commissioner of common schools definite and accurate information concerning the length of time necessary for the completion of the high school curriculum or curriculums, the courses of instruction offered therein, and such other information as said commissioner may require in relation to the high school work of the district, and in the form and manner he may prescribe. Said information shall be filed not later than the first day of September, 1902, and as high schools are hereafter established or any changes made in the curriculums, such establishment or changes with full information must be immediately reported as above provided and it shall be the duty of the said state commissioner of common schools, upon examination of the information thus filed, or after personal inspection of work done if he shall deem the same advisable, or both, to determine the grade of each such high school and to certify, under the seal of his office, to the clerk of the board of education his finding as to the grade of the high school maintained by such board of education. The said commissioner is also authorized to withhold his approval of any curriculum, when it shall appear to him that the same does not comply with the legal and reasonable requirements, and when it shall appear that any curriculum, which has already been approved, has been so modified as to change the grade of the high school, either by advancing or reducing the grade thereof, he shall certify his finding, and all diplomas issued thereafter shall bear the grade so designated by him. And after the first day of February, 1903, no school then maintained shall be considered a high school that has not furnished the information and received the certificate as provided above and shall not be entitled to the privileges and exceptions provided by law for high schools.

Sec. 4009. Any board of education may establish one or more high schools, whenever it deems the establishment of such school or schools proper or necessary for the convenience or progress of the pupils attending the same, or for the conduct and welfare of the educational interests of the district, and such school or schools, when so established, shall not be discontinued under three years from the time of the establishment thereof, except by a vote of three-fourths of all the members of the board of education of the district, and at a regular meeting.

Sec. 4009-1. Whenever a township board of education establishes and maintains a high school or high schools within the district under its control, it shall have the management and control of such school or schools with full power in respect to such school or schools to employ and

dismiss teachers, and to give certificates of such employment, and for services rendered, directed to the township clerk. And the township board of education shall build, repair, add to and furnish the necessary schoolhouses, purchase or lease sites therefor, or rent suitable rooms, and make all other necessary provisions relative to such schools as may be deemed proper. Said board of education shall have full power to regulate and control the admission of pupils from the elementary schools under its charge to such high school or high schools, according to age and attainments, and may admit adults over twenty-one years of age, and pupils from other districts on such terms and under such rules as it may adopt, and shall maintain such high school or high schools not less than twenty-eight nor more than forty weeks in any school year.

Schoolhouses,
etc.

Admission of
pupils.

Sec. 4009-2. In townships where a high school or high schools are established, or may be established, by the township board of education, the board shall annually determine by estimate, as near as practicable, the entire amount of money necessary to be expended in the township for school and schoolhouse purposes, including the sustaining of teachers in such high schools, the prolonging of the terms of the several elementary schools of the township after the state funds shall have been exhausted, the erecting, repairing and furnishing of schoolhouses, and any other school purposes not exceeding in any one year ten mills on the dollar of the taxable property of the township, which amount shall be certified in writing to the county auditor, as required by section 3960 of the Revised Statutes of Ohio.

Estimate of
funds needed.

SECTION 2. That said original sections 4007, 4009, 4009-1, and 4009-2 of the Revised Statutes of Ohio are hereby repealed and this act shall take effect and be in force from and after its passage.

Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.

CARL L. NIPPERT,
President of the Senate.

Passed April 9, 1902.

97G

[House Bill No. 171.]

AN ACT

To amend section 3893 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3893 of the Revised Statutes of Ohio be amended so as to read as follows:

Classification
and change of
districts:

Sec. 3893. A part or the whole of any district may be transferred to an adjoining district, by the mutual consent of the boards of education having control of such districts; but no transfer shall take effect until a statement,

Transfer of
territory from
one school
district to
another.

Apportion-
ment of ex-
isting school
indebtedness.

Apportion-
ment of
moneys and
credits.

Plat of terri-
tory trans-
ferred.

or map, showing the boundaries of the territory transferred, is upon the records of such boards; nor, except when the transfer is for the purpose of forming a joint subdistrict, until a copy of such statement or map, certified by the clerks of the boards making the transfer, is filed with the auditor of the county in which the territory so transferred is situated; and any person living in the territory so transferred may appeal to the county commissioners, as provided in section thirty-nine hundred and sixty-seven, and the commissioners, at their first regular meeting thereafter, shall approve or vacate such transfer; provided, however, that when a village or a portion of a village, township, or special school district has been attached to and become a part of an adjoining city or village by annexation, the portion of such village, township, or special school district thus annexed to such city or village shall be deemed to be thereby transferred from such village school district, township, or special school district into such city or village school district. In all cases where territory is transferred from one school district to another, in any manner whatever, the existing school indebtedness of the district from which the territory is detached shall be ascertained and apportioned by the county commissioners in the same manner as is provided in section sixteen hundred and fifteen of the Revised Statutes of Ohio. Said indebtedness, so apportioned, shall be paid by the board of education of the district to which such territory is attached, to the board of education of the district from which it was detached, from the contingent fund of such first mentioned district or from a special fund to be raised by a tax of not exceeding two mills on each dollar of taxable property in the transferred territory and the board of education of the district to which such territory is attached is hereby authorized to make such levy in excess of that allowed by section thirty-nine hundred and fifty-nine of the Revised Statutes of Ohio and continue such levy from year to year until the amount realized from the same shall equal the indebtedness so apportioned. All moneys and other credits belonging to the district from which such territory is detached shall be apportioned as above provided and paid by the board of education of said district to the board of education of the district to which the territory is attached. A correct plat of the territory transferred shall be filed in the office of the auditor of the county in which such territory is situated, or if it be in more than one county, then such plat shall be filed in each county affected by the transfer; such plat shall also be entered upon the records of each board affected by such transfer. This section shall also apply to cases in which territory has heretofore been transferred.

SECTION 2. Section 3893 of the Revised Statutes of Ohio is hereby repealed and this act shall take effect and be in force on and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.

CARL L. NIPPERT,
President of the Senate.

Passed April 15, 1902. 116G

[House Bill No. 275.]

AN ACT

To amend section 3921 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3921 of the Revised Statutes of Ohio be amended so as to read as follows:

Township
and special
districts:

Sec. 3921. A map of each township district, designating the number and boundaries of the subdistricts thereof, shall be prepared by the board of education and entered upon its records on or before August 31, 1902; the board may, by a majority vote of all the members composing the board at any regular session, increase or diminish the number, or change the boundaries of subdistricts, a map designating such changes to be entered upon its records.

Map of town-
ship districts.

Any township board of education or the board of education of any special district may, when, in its opinion, it will be for the best interests of the pupils in any or all subdistricts, or joint subdistricts under its control, suspend the school or schools in such subdistricts, or joint subdistricts, and thereupon the board shall provide for the conveyance of said pupils to some other public school or schools in the same or an adjoining district, the cost of conveying pupils from a subdistrict to be paid out of either the tuition or contingent funds of said township district, the cost of conveying pupils from a joint subdistrict to be paid out of either the tuition or contingent funds of such joint subdistrict. The cost of conveying pupils to and from schools in special districts shall be paid out of the contingent fund of such special district. When the pupils of a joint subdistrict are conveyed to other schools the tuition of such pupils shall be paid from either the tuition or contingent funds of such joint subdistrict to the board of education having control of the schools attended, such tuition to be computed as a pro rata share of the per capita current expense of running the school attended, on the basis of the total enrollment of such school, the computation to be made by the month, and an attendance by a pupil, so conveyed, any part of a month shall create a liability for the entire month; provided, that when such attendance is at a subdistrict school the expense and enrollment of such subdistrict school shall be the basis

Suspension of
school in sub-
district or
joint sub-
district.

Conveyance
of pupils to
other district;
cost thereof.

Tuition.

of such computation. When the pupils of a subdistrict are conveyed to a joint subdistrict school the tuition shall be paid from either the tuition or contingent funds of the township district, in which such subdistrict is situated, to said joint subdistrict and shall be computed as provided above. Provided the conveyance for the transportation of such pupils be required to pass within a distance of three-fourths of a mile from their respective residences, except where such residence is situated more than three-fourths of a mile from the public road. The suspension of a subdistrict or joint subdistrict school, as provided by this section, does not affect the rights of the director of such subdistrict or joint subdistrict as a member of the township board of education,

Repeals, etc.

SECTION 2. That said section 3921, as it now exists, be, and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,

Speaker of the House of Representatives.

CARL L. NIPPERT,

President of the Senate.

Passed April 22, 1902.

133G

[House Bill No 323.]

AN ACT

To amend sections 4086 and 4088 of the Revised Statutes of Ohio,
Be it enacted by the General Assembly of the State of Ohio:

Teachers'
institutes:

SECTION 1. That sections 4086 and 4088 of the Revised Statutes of Ohio be amended to read as follows:

Organization
of county
teachers'
institutes.

Sec. 4086. A teachers' institute may be organized in any county, by the association of not less than thirty practical teachers of the common schools residing therein, who shall declare their intention in writing to attend such institute, the purpose of which shall be the improvement of such teachers in their profession; such institute shall elect annually, by ballot, a president, secretary, and one member of an executive committee, said member of the executive committee to serve for a term of three years; provided, that at the first annual election held after the organization of any institute, there shall be elected three members of the executive committee; the one receiving the highest number of votes to serve for three years; the one receiving the next highest number of votes to serve two years; and the one receiving the next highest number of votes to serve one year. The president and secretary of the institute shall be ex officio members of the executive committee and shall act as chairman and secretary of said committee.

Election of
officers.

Term.

Vacancies.

Any vacancy in the office of president, secretary, or member of the executive committee caused by death, resignation, removal from the county or other cause, may be

filled by the executive committee, the person elected to fill such vacancy to serve until the next annual meeting of the institute. It shall be the duty of this executive committee to manage the affairs of the institute; which committee shall enter into a bond, payable to the state of Ohio, with sufficient surety, to be approved by the county auditor in double the amount of the institute fund in the county treasury, for the benefit of the institute fund of the county, and conditioned that the committee shall account faithfully for the money which will come into its possession, and make the report to the commissioner of common schools, required by section four thousand and eighty-eight, and such election of officers shall be held during the session of such institute and at time fixed by the executive committee thereof, of which election at least three days' notice shall be given the members of such institute by posting conspicuously in a room, where such institute is held, a notice of the time and place of holding such election and of the officers to be voted for at such election.

Duty of executive committee.
Bond.

When election to be held.

Sec. 4088. The secretary shall, within five days after the adjournment of the institute, report to the state commissioner of common schools the number of teachers in attendance at the institute, the names of instructors and lecturers attending said institute, the amount of money received and disbursed by the committee and such other information relating to the institute as the commissioner may require; the secretary may be allowed compensation not to exceed ten dollars for making such report and for his services as secretary, to be paid out of the institute fund of the county, but no other compensation shall be allowed any officer or member of the executive committee; on failure to make such report, the secretary shall forfeit and pay to the state the sum of fifty dollars.

Report of secretary.

His compensation.

SECTION 2. Sections 4086 and 4088 of the Revised Statutes of Ohio are hereby repealed and this act shall take effect on its passage.

Repeals, etc.

W. S. McKINNON,
Speaker of the House of Representatives.

CARL L. NIPPERT,
President of the Senate.

Passed April 23, 1902.

139G

[House Bill No. 589.]

AN ACT

To amend section 3959 of the Revised Statutes of Ohio, as amended March 22, 1900; April 16, 1900, and February 18, 1902.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3959 of the Revised Statutes of Ohio be amended to read as follows:

School funds:

Sec. 3959. Such estimate and levy shall not exceed, in cities of the first grade of the first class, three and one-

Maximum
levy in
Cincinnati.

Cleveland.

Other city districts.

Township, special and village districts.

All other districts.

When and for what purpose greater tax may be levied.

fourth mills; provided, however, that the boards of education in said cities may levy one mill additional for every five thousand pupils over and above twenty-five thousand enrolled in the public schools of said cities, which levy, however, shall in no case exceed four and one-tenth mills; and in cities of the second grade of the first class boards of education may levy for a period of five years and no longer, in addition to the seven mills, and the one mill for school-house sites and buildings, hereinafter provided for, a tax not to exceed one-half of a mill on the dollar of valuation of taxable property within said districts, which said levy shall be used for the purchase of school-house sites and the erection of school buildings thereon and for the equipment of the same and for no other purpose whatever, and for the purpose of paying for such sites or for the construction of such buildings or for the equipment of the same such boards of education may issue certificates of indebtedness in anticipation of such levy payable at such times, and not exceeding one year from date of issue, as they may designate, but bearing no interest before maturity. Boards of education in all city districts, except cities of the first grade of the first class, by an affirmative vote of three-fourths of all the members elected, may levy, in addition to all taxes allowed by law to be levied, a tax not to exceed one mill on the dollar of valuation of taxable property within said district, which levy shall be used for the purchase of school-house sites, the erection of school buildings thereon and the payment of indebtedness created for such purposes, and for no other purpose whatever; and for the purpose of paying for such sites or for the construction of such buildings such boards of education may issue certificates of indebtedness in anticipation of such levy, payable at such times not exceeding one year from date of issue as they may designate, but bearing no interest before maturity. In all township, special, and village districts in the state, such estimate and levy shall not exceed ten mills on each dollar of valuation of taxable property in the district. In all school districts not herein provided for, such estimate and levy shall not exceed seven mills on each dollar of valuation of taxable property in the district. A greater tax than is authorized above, except in city districts of the first class, may be levied for either of the purposes specified in section 3958 of the Revised Statutes of Ohio, if the proposition to make such levy shall have been first submitted by the board of education to a vote of the electors of the school district, under a resolution prescribing the time, place and manner of voting on the same, and approved by a majority of those voting on the proposition, notice of which election must be given by publication of the resolution for three consecutive weeks prior thereto in some newspaper published and of general circulation in the district, or by posting copies thereof in five of the most conspicuous places in the district, for a like period, if no such paper is published therein.

SECTION 2. Section 3959 of the Revised Statutes of Ohio, as amended March 22, 1900; April 16, 1900, and February 18, 1902, is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,

Speaker of the House of Representatives.

CARL L. NIPPERT,

President of the Senate.

Passed April 23, 1902.

147G

[House Bill No. 588.]

AN ACT

To provide for the manner in which moneys set aside by boards of education of city school districts of the first class for sinking fund purposes, may be invested in bonds of its own issue.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That whenever any board of education of any city school district of the first class issues its bonds, it may invest such moneys as may be set aside for sinking fund purposes, by purchasing such bonds at par and accrued interest, for the benefit of such sinking fund, and as many of said bonds as remain, after investing such moneys as aforesaid, shall be advertised for public sale.

City districts of first class; board of education may purchase its bonds for benefit of sinking fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President pro tem. of the Senate.

Passed April 25, 1902.

159G

[House Bill No. 524.]

AN ACT

To further supplement section 3999 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3999 of the Revised Statutes of Ohio be further supplemented by the following section:

Schoolhouses and librarian:

Sec. 3999c-1. The provisions, requirements, limitations and inhibitions of sections 1005, 1006, 1007, 1008 and 1009 of the Revised Statutes of Ohio, shall apply to and govern the levying of taxes and the making of appropriations and expenditures for library purposes in and for any city of the first grade of the first class situate in any county having a board of control, in all respects and as fully as said sections apply to and govern any such county in the levying of

Provisions relating to, tax and expenditures for library purposes in Cincinnati.

its taxes and in providing for its yearly expenditures; and it shall be unlawful in any such county to levy any tax for library purposes or to make any expenditure from any library fund, created under section 3999c of the Revised Statutes, without the action thereon of the county auditor and of the board of county commissioners and of the board of control, in the manner prescribed in and by said several sections 1005, 1006, 1007, 1008 and 1009: Provided, however, that in the year 1902 the report required by said section 1008 shall be made by the board of trustees of any public library of any such city on or before the first Monday of May of said year, and that the statements required by said section 1005 shall be made by the county auditor, as to the tax for library purposes in such cities, on or before the first Monday of June of said year, and the first appropriation of funds provided for by this act shall be made for the six months ending December 31st, 1902, in accordance with said section 1007. The secretary of the board last named shall, on demand, furnish to the county auditor, board of county commissioners, and board of control any information relating to the finances of said board, which either may deem necessary in the proper discharge of the duties imposed by this act. The provisions of section 2834b of the Revised Statutes shall apply to all contracts, agreements, obligations and orders involving the expenditure of money, entered into or made by the board of trustees of the public library of any such city, and any action of any such board, contrary to the provisions of said section, shall be void, except that the certificate of the county auditor required by said section shall not be necessary in case of current expenditures, or in case of any other expenditures not exceeding five hundred dollars, or in case of contracts for the employment of officers, assistants or other employes of such board.

Repeals, etc.

SECTION 2. That all laws and parts of laws, in so far as they conflict with any of the provisions of this act, be and the same are hereby repealed, and that this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President of the Senate.

Passed May 6, 1902.

243G

[Senate Bill No. 300.]

AN ACT

To supplement section 4009-20 of the Revised Statutes of Ohio by adding section 4009-21,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4009-20 of the Revised Statutes of Ohio be supplemented so as to read as follows:

Schools and
attendance
enforced:

Sec. 4009-21. Where a special joint township high school is desired by the electors of several townships lying wholly in one county or partly in two or more counties, the probate judge shall upon the filing of a petition signed by at least forty per cent of the electors residing in the territory in each township constituting the proposed district, cause notice that said petition has been filed to be published for four consecutive weeks in two newspapers of opposite politics printed and of general circulation in the county or counties having territory in said proposed district. The probate judge of the county embracing the greatest number of residents in the territory constituting the district to be established, shall have jurisdiction and at the time of filing the petition, there shall also be filed a plat of the territory embracing the district, the place for the location of the school-house and a statement containing the number of residents in each township residing in the territory to be embraced in said district, and the probate judge shall proceed in the premises the same as provided for the establishment of joint subdistricts.

Establishment
of special
joint town-
ship high
school; pro-
cedure.

SECTION 2. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,
Speaker of the House of Representatives.

F. B. ARCHER,
President of the Senate.

Passed May 2, 1902.

232G

[House Bill No. 386.]

AN ACT

To further provide for the transfer of public funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of any county, infirmity directors of any county or municipality, the township trustees of any township, the board of education of any school district, the council or other board or body having the legislative power of any municipality and the trustees of any hamlet, shall have power to transfer the public funds under their respective supervision, from one fund to another, in the manner hereinafter provided, which shall be an additional procedure to all other now provided by law.

Transfer of
public funds.

SECTION 2. Whenever a majority of officers or of the members of any board aforesaid named desire to transfer any fund to any other fund, or to a new fund to be created, under their respective supervision, and a resolution of such officers or board shall have been duly passed declaring the necessity therefor, such officers or board shall file a petition in the court of common pleas of the county in which such funds are held, in which shall be set forth the name and amount of the fund, and the fund or funds to which it is desired to be transferred, a copy of said resolution and a

Petition to be
filed in com-
mon pleas
court.

Notice of
filing, etc.

Hearing and
decree of
court.

Costs.

Appeal.

full statement of the proceedings pertaining to its passage, and the reason or necessity for such transfer, and upon such petition being filed, the petitioner shall cause notice of the filing of said petition, the objects and prayer thereof, and of the time when said petition will be for hearing, to be given by one publication in two newspapers, of opposite politics, having a general circulation in the territory to be effected by such transfer of funds, preference to be given to such newspapers as are published within such territory, but if there shall be no such newspapers published or having a general circulation within such territory, then such notice shall be given by posting the same in ten of the most conspicuous places within such territory for such period of four weeks: Said petition may be heard at the time stated in said notice, or as soon thereafter as it shall be convenient for the court to hear the same, but said cause shall be heard, upon request of the petitioners, in preference to all other cases on the docket. Any person or persons objecting to the prayer of such petition, shall file their objections in said cause on or before such time fixed in said notice for hearing, and they shall be entitled to be heard. If, upon the hearing, the court shall find that the notice has been given, as herein required, that the petition states sufficient facts, and that there are good reasons, or that a necessity exists for such transfer, and no injury will result by granting the prayer of such petition, it shall grant the prayer of the petition and order the petitioner to make such transfer, and a copy of the findings, orders and judgments of the court shall be certified by the clerk and spread upon the records of the officers or board who are petitioners, and upon the same being done such petitioners may make the transfer of funds as directed therein. And such petitioners shall pay all of the costs of such proceedings, except when objections are filed, the court may order such persons objecting to pay all or such portion thereof as may be just and equitable. Said petitioners or any person or any number of persons filing objections to such petition, may appeal said cause to the circuit court of said county, and the proceedings for such appeal shall be the same as provided for appeals from the common pleas to the circuit court in other cases, and when said cause shall be appealed, the circuit court shall have the same power and make the same orders and all proceedings therein shall be had, as herein provided for in the court of common pleas, except upon such appeal, the question of costs shall be within the discretion of said court; and such cause may be reviewed on error in the supreme court.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President of the Senate.

Passed May 6, 1902.

255G

[Senate Bill No. 24.]

(Extract from Game Laws.)

AN ACT

To amend sections 6960, 6961, 6963, 6964, 6965, 6966, 6967, 6968 and 6968a, and to enact supplementary sections 6960b and 6967a, of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6960, 6961, 6963, 6964, 6965, 6966, 6967, 6968 and 6968a, of the Revised Statutes, be amended so that they shall read as follows:

Offenses
against public
policy:

Sec. 6960. No person shall at any time, catch, kill, injure, pursue, or have in his possession either dead or alive, or purchase or expose for sale, transport or ship within or without the state any dove, sparrow, nuthatch, warbler, flicker, vireo, wren, American robin, cat-bird, tanager, bobolink, blue-jay, oriole, grosbeak or red bird, creeper, redstart, wax-wing, wood-pecker, humming-bird, killdeer, swallow, blue-bird, meadow-lark, bunting, starling, red-wing, purple-martin, brown thrasher, American gold-finch, chickadee, flycatcher, gnat-catcher, mouse-hawk, whippoorwill, snow-bird, titmouse, gull, eagle, or buzzard, or any other wild bird other than a game bird. No part of the plumage, skin, or body of any bird protected by this section shall be sold or had in possession for sale except as permitted in section 6960a. No person shall at any time disturb, or destroy the eggs, or nests, or young, of any of the birds named in this section. Provided, that nothing in this section shall prohibit the killing of the chicken-hawk, blue-hawk, crow, great horned owl, or English sparrow at any time, except on the first day of the week known as Sunday, by anybody, or destroying of their nests.

Catching, killing, injuring or pursuing birds; possessing or destroying eggs, nests or young of certain birds.

SECTION 2. That supplementary sections 6960b, and 6967a, be enacted to read as follows:

Sec. 6960b. It shall be the duty of the state commissioner of common schools to issue annually a manual for Arbor day exercises, as soon as possible after the governor has set apart a date for said day, as prescribed by the act of March 5, 1902, which manual, in addition to matters pertaining to forestry and the protection of birds, shall contain a copy of section 6960 of the Revised Statutes of Ohio. Said state commissioner of common schools and the commissioners of fish and game shall, annually, transmit copies of said manual to the superintendents of city, village, special district and township schools and clerks of the boards of education, who shall cause the same to be distributed to the teachers of the schools under their charge. It shall be the duty of the teachers to cause to be read to the pupils of their respective schools, on the day fixed by the governor as Arbor day, and also on such other days during the year as may be convenient and proper, said section 6960, and to

Manual for
Arbor day ex-
ercises to
contain copy
of Sec. 6960,
Revised
Statutes;
distribution
thereof.

urge and encourage them to aid in the protection of the song and insectivorous birds named in that section.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President of the Senate.

Passed May 6, 1902.

257G

[House Bill No. 815.]

AN ACT

To amend section 2690c of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Finance and
taxation:

SECTION 1. That section 2690c of the Revised Statutes of Ohio be so amended as to read as follows:

Approval of
levies by tax
commissioners
of certain
cities.

Sec. 2690c. No tax shall be levied upon the property of any such city by the council thereof or any other authority therein, except by the boards of education in cities of the first grade of the first class, cities of the third grade of the first class, and cities of the first grade of the second class, for school and educational purposes, until approved by the board of tax commissioners aforesaid. Provided, that in cities of the third grade of the first class boards of education shall not levy in excess of seven (7) mills on the dollar of the tax property thereof, in any one year.

Limitation of
levy.

Repeals.

SECTION 2. That said original section 2690c of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President of the Senate.

Passed May 7, 1902.

279G

[House Bill No. 559.]

AN ACT

To supplement section 4047 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Treasurer of
school funds:

SECTION 1. That section 4047 of the Revised Statutes of Ohio be supplemented with sectional numbering as follows:

Cincinnati:
receipts of
board of edu-
cation to be
paid to treas-
urer of school
funds.

Sec. 4047a. In city districts in cities of the first grade of the first class the receipts of the board of education from any and all sources shall be paid to the treasurer of the school funds, and such receipts shall be accepted by such treasurer only after the order of the clerk of the board there-

for has been approved by the auditor of the city located in whole or in part within such district, and no school money shall be paid out by the treasurer until the order signed by the president and countersigned by the clerk of the board of education therefor has been approved by the auditor of such city.

SECTION 2. That this act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.

F. B. ARCHER,
President of the Senate.

Passed May 7, 1902

281G

[House Bill No. 861.]

AN ACT

To amend section 4002-48 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4002-48 of the Revised Statutes of Ohio be amended so as to read as follows:

Schoolhouses
and libraries:

Sec. 4002-48. Said board of education shall require said library association to render an account as often as it shall deem proper of all taxes so received by it, and how the same have been expended. Said association shall keep up and maintain in a public place in such city a public library free to all the inhabitants thereof, and to all persons residing within said school district. Provided, further, that if said public library association shall for any cause cease to exist then all property of said association, real and personal, shall immediately become vested in the city wherein said library association is established and maintained, and that had heretofore been taxed for the purpose of maintaining the same; and it shall become the duty of said city or municipality to have the charge of and care of such property in the same manner as other property of said city, and to carry out the educational purposes for which this act was originally intended, and may, if occasion require, levy taxes for said purposes upon the personal and real property of said city, and collect the same as other taxes are now levied and collected.

Library asso-
ciation to
render
account.

Shall maintain
free public
library.

City shall
maintain li-
brary if asso-
ciation cease
to exist.

May levy tax.

SECTION 2. That said original section 4002-48 of the Revised Statutes of Ohio be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. McKINNON,
Speaker of the House of Representatives.

F. B. ARCHER,
President of the Senate.

Passed May 7, 1902.

282G

[House Bill No. 139.]

AN ACT

(Extract from Board of Health Laws.)

To amend section 409-28, 409-29, 408-32, [409-32], 2113, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2145, 2146, 2147 and 2148 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio

Boards of
health:

SECTION I. That sections 409-28, 409-29, 409-32, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2143, 2144, 2145, 2146, 2147 and 2148 of the Revised Statutes of Ohio, be so amended as to read as follows:

Person residing in quarantined house shall not attend any public gathering until quarantine is removed.

Sec. 2129. No person residing in or occupying any house in which there is a person suffering from smallpox, cholera, plague, typhus fever, diphtheria, membranous croup or scarlet fever, shall be permitted to attend any public, private, or parochial school or college or Sunday school, or any other public gathering, until the quarantine provided for in such diseases in section 2126 has been removed by the board of health, and all school principals, Sunday school superintendents, or other persons in charge of such schools are hereby required to exclude any and all such persons until such time as they may present a written permit of the board of health to attend or reenter such schools.

Board of health in its relation to schools and school buildings.

SEC. 2137. The board of health is hereby required to inspect semi-annually, and oftener if in the judgment of the board it shall be deemed necessary, the sanitary condition of all schools and school buildings within its jurisdiction and may, during an epidemic or threatened epidemic, or when any dangerous communicable disease is unusually prevalent, close any school and prohibit public gatherings for such time as it may deem necessary, and may disinfect any school building. The board shall abate all nuisances and may remove or correct all conditions detrimental to health or well-being found upon school property by serving an order upon the board of education, school board, or other person or persons responsible for such property, for the abatement of such nuisance or condition within a reasonable but fixed time, and any person failing to comply with such order, unless it is shown that there was good and sufficient reason therefor, shall be fined in any sum not exceeding one hundred dollars. The board may appoint such number of inspectors of schools and school buildings as it may deem necessary to properly carry out the provisions of this section. The board of health may take measures and supply agents and afford inducements and facilities for gratuitous vaccination.

Gratuitous vaccination.
Repeals.

SECTION 2. That said sections 409-28, 409-29, 409-32, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122,

2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, and 2148 be and the same are hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

W. S. McKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President of the Senate.

Passed May 7, 1902.

286G

[House Bill No. 1080.]

AN ACT

To amend section 4002 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4002 of the Revised Statutes of Ohio be amended to read as follows:

Schoolhouses
and libraries:

SEC. 4002. For the purpose of increasing and maintaining the public library in said city, and the territory thereto attached for school purposes, such library board may levy annually a tax of eight-tenths of one mill on each dollar valuation of the taxable property of the city, and the territory thereto attached for school purposes, to be levied, collected and paid in the same manner as are school taxes of the city; all money appropriated, received or collected by tax for the library, shall be expended under the direction of the library board in purchasing such books, pamphlets, papers, magazines, periodicals, journals and other property as may be deemed suitable for the public library, and in payment of all other charges and expenses, including compensation of the librarian, assistants and help that may be incurred in increasing and maintaining the library, and all claims against said fund shall be approved by the president and secretary of said library board and paid upon the warrant of the auditor of the board of education in the manner now provided by law for the payment of claims against said city.

Cleveland.
Library tax
and how
expended.

SECTION 2. That original section 4002 be, and the same is hereby repealed, and this act shall take effect on and after its passage.

Repeals, etc.

W. S. McKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President of the Senate.

Passed May 7, 1902.

288G

[House Bill No. 128.]

AN ACT

To amend section 3951 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

School funds:

SECTION 1. That section 3951 of the Revised Statutes of Ohio, as amended March 29, 1900, be amended so as to read as follows:

"The state common school fund" and "Ohio state university fund."

Sec. 3951. For the purpose of affording the advantages of a free education to all the youth of the state, there shall be levied annually a tax on the grand list of the taxable property of the state, which shall be collected in the same manner as other state taxes and the proceeds of which shall constitute "the state common school fund," and for the purpose of higher, agricultural and industrial education, including manual training, there shall be levied and collected in the same manner a tax on the grand list of taxable property of the state, which shall constitute "the Ohio state university fund." The rate for such levy in each case shall be designated by the general assembly at least once in two years; and if the general assembly shall fail to designate the rate for any year the same shall be for "the state common school fund" ninety-five one-hundredths of one mill, each year for the years 1902 and 1903, and one mill each year thereafter; for the "Ohio state university fund," fifteen one-hundredths of one mill upon each dollar of valuation of such taxable property, each year for the years 1902 and 1903, and ten-hundredths of one mill each year thereafter.

Repeals, etc.

SECTION 2. Said section 3951 of the Revised Statutes of Ohio as amended March 29, 1900, is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. McKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President of the Senate.

Passed May 8, 1902.

289G

[House Bill No. 522.]

AN ACT

To further supplement section 3958 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

School funds:

SECTION 1. That section 3958 of the Revised Statutes of Ohio be further supplemented by the following sections, with the sectional number respectively as follows:

Provisions regulating levying of taxes and making appropriations and expenditures for school purposes in Cincinnati.

Sec. 3958-1. The provisions, requirements, limitations, and inhibitions of the following sections of the Revised Statutes of Ohio, to-wit: section 2690f, 2690g, 2690h, 2690i and 2690j, shall apply to and govern the levying of taxes and the making of appropriations and expenditures for school and educational purposes, in and for the school district of any city of the first grade of the first class or of which any

such city is a part, in all respects and as fully as said sections apply to and govern any such city in the levying of its taxes and in providing for its yearly expenditures; and it shall be unlawful in and for any such school district, or in and for any such school district of which any such city is a part, to levy any tax for school and educational purposes, or to make any expenditure from any school or educational funds, without the action thereon of the city auditor of any such city and its board of legislation and its board of supervisors, acting as its board of tax commissioners, in the manner prescribed in and by said several sections of the Revised Statutes. Provided, however, that any moneys in any such school or educational fund or funds, not expended on December 31st of any year, shall be available for expenditures if reappropriated in the year next following. Provided, further, that a contingent fund may be set apart from the said school and educational funds in each semi-annual appropriating ordinance not exceeding ten thousand dollars, which may, during the year for which it is set apart on the order of the board of education having jurisdiction over any such school district, be expended for any lawful purpose not foreseen when the estimates or appropriations were made, or in case there be a deficiency in any of the appropriations. Provided further, that in the year 1902, the report required by section 2690*i* shall be made by such board of education on or before the first Monday of May of said year, and that the statements required by said section 2690*f* shall be made by the said auditor, as to the tax for school and educational purposes, on or before the first Monday of June of said year, and the first appropriation of funds provided for by this act shall be made for the six months ending December 31st, 1902, in accordance with section 2690*h*, and within the estimate made by such board for the current year. The clerk of such board of education, shall on demand, furnish to the said auditor, board of legislation and board of tax commissioners of such city any information relating to its finances which either may deem necessary to the proper discharge of the duties imposed by this act.

Exceptions.

Sec. 3958-2. The county auditor shall also furnish the city auditor of any such city with a certified copy of the apportionment of the funds payable to any school district named in the preceding section as made under section 3964 of the Revised Statutes. Moneys other than taxes, payable to any such school district shall be paid to the city treasurer only upon the warrant of the city auditor. Payments from said funds shall be made by warrants of the city auditor upon vouchers approved by such board of education attested by its clerk, but in case of salaries and wages, upon pay rolls so approved and attested. The city auditor shall charge the city treasurer with all taxes and funds received by him and shall credit him with all amounts paid out upon his warrant, keeping a separate account, for each fund, of moneys received and disbursed, and his accounts shall at all times be open to inspection of any member of such board

Duties of city auditor as to receiving and paying out moneys of school district; and keeping account of funds thereof.

of education, its clerk or representative. No part of any such funds shall be transferred to any other fund, except by a resolution of such board of education approved by the said board of tax commissioners, but such transfer shall not take effect until the city auditor shall have been notified thereof in writing by the last named board. The duties imposed upon the clerk of the board of education by section 4055 of the Revised Statutes are hereby, in every such school district, transferred to and imposed upon the auditor of the city. The duties imposed and the powers conferred by sections 1720, 1720a, and 1720b, of the Revised Statutes, upon the board of supervisors acting as the board of revision of any such city, are hereby imposed and conferred upon such board as to the proceedings of such board of education, and as to its forms of books, accounts, reports and other methods of accounting; and such board of education shall adopt and carry out any system of accounting provided by said board of supervisors agreeably to said section 1720a, under the penalties prescribed by said section 1720b. The duties imposed and the powers conferred by section 1765a, Revised Statutes, upon the city auditor, shall be applicable in all respects to such board of education, and its officers, as to reports required; separate accounts to be kept; appropriations overdrawn; examination of vouchers; monthly statements of receipts and expenditures; auditing, examining, and settling accounts; the countersigning of receipts given by the city treasurer; and as to all other requirements in said section. The provisions of section 2699 and 2702 of the Revised Statutes shall apply to all contracts, agreements, obligations, and orders involving the expenditure of money, entered into or made by any such board of education, and any action of any such board, contrary to the provisions of either of said sections, as herein made applicable, shall be void except, that the certificate of the city auditor required by said sections shall not be necessary in case of current expenditures; or in case of any other expenditure not exceeding five hundred dollars; or in case of contracts for the employment of teachers, officers, and other school employees by any such board of education: Provided that the certificate required by said sections, after being noted on the books of the city auditor, shall be by him transmitted to and be filed and recorded by said board. The powers conferred and duties imposed upon the solicitor of the corporation, the privilege granted to a taxpayer, and the power conferred upon courts by sections 1777, 1778 and 1779 of the Revised Statutes, respectively, are hereby conferred and imposed upon and granted them respectively and in like manner, as to any action taken, duly omitted, or fraud, or corruption, practiced by any such board of education, in all cases in which such solicitor is required by said section 1777, in similar cases, to institute judicial proceedings on behalf of a municipal corporation; and the books and records of such board shall at all times be open to the inspection of any taxpayer of such school district.

SECTION 2. That section 2690c of the Revised Statutes, in so far as it excepts boards of education in cities of the first grade of the second class, sections 3958 and 3960, and all other acts and parts of acts in so far as they conflict with any of the provisions of this act be and the same are hereby repealed, and that this act shall take effect and be in force from and after its passage. Repeals, etc.

W. S. MCKINNON,
Speaker of the House of Representatives.
F. B. ARCHER,
President of the Senate.

Passed May 9, 1902.

291G

[House Bill No. 684.]

AN ACT

To amend section 4009-15 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4009-15 of the Revised Statutes of Ohio be amended so as to read as follows:

SEC. 4009-15. That whenever ten qualified electors of any township, or twenty qualified electors of any two or more adjoining townships shall file a petition or petitions with the township clerk, or clerks of two or more adjoining townships, praying for the establishing of a township high school district, or a joint township high school district, it shall then be the duty of the township board of education, or boards of education, to call a meeting, or meetings within thirty days thereafter, of the qualified electors of said township, or townships embraced in the petition, or petitions at their usual place or places of voting, giving ten days' notice, or notices of the time and place, or places, of said election, or elections, to be posted in at least five conspicuous places in the township, or each township, requiring said electors to vote for or against the proposed establishing a township or joint township high school district, and the building of a township or joint township high school building, and shall also at the same election submit to the electors of the township, or joint township high school district proposed, the question of levying taxes for buying a site or sites, and building a township or joint township high school house, or either of them, and the further questions whether the levy shall be made from year to year thereafter, and what amount shall be levied each year until the actual cost of such site, or sites, the erection of such high school house or houses, is raised, and their opinion, the said electors, shall be expressed on their ballots which must be provided by the board, or boards of education. to-wit: For township, or joint township high school district: For levying taxes for site, or sites, and building township, or joint township high school house: Against

Schools and attendance enforced:

Township or joint township high school district; petition for establishment; duty of board of education; election for submission of question.

Form of ballot.

Counting of
ballots and
returns of
election.

Repeals.

township or joint township high school district: Against levying tax for site, or sites, and building township or joint township high school house: Which ballots shall be counted and returned by the judges and clerks of elections as in such cases made and provided.

SECTION 2. That said original section 4009-15 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President of the Senate.

Passed May 9, 1902.

292G

[House Bill No. 664.]

AN ACT

To amend section 4077 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

School
examiners:

SECTION 1. That section 4077 of the Revised Statutes of Ohio be amended so as to read as follows:

Boards of
city districts
of first class.

SEC. 4077. There shall be a board of examiners for each city district of the first class, to be appointed by the board of education of the district; such board may consist of either three or six persons, as the board of education may determine, and a majority of the persons appointed shall have had at least two years' practical experience in teaching, and all persons appointed shall be otherwise competent for the position and residents of the district for which they were appointed; the term of office of such examiners shall be three years; the term of one-third of the examiners shall expire on the 31st day of August each year; but the board of education may revoke any appointment upon satisfactory proof that the appointee is inefficient, negligent, or guilty of immoral conduct; when a vacancy occurs in the board, whether from expiration of term of office, refusal to serve, or other cause, the board of education shall fix the same by appointment for the full or unexpired term, as the case demands; and within ten days after an appointment, the clerk of the board of education shall report to the commissioner of common schools the name of the appointee, and whether the appointment is for a full or an unexpired term.

Repeals.

SECTION 2. That said original section 4077 of the Revised Statutes of Ohio is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President of the Senate.

Passed May 9, 1902.

305G

[House Bill No. 577.]

AN ACT

To amend section 3917 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3917 of the Revised Statutes of Ohio be so amended as to read as follows:

SEC. 3917. The director of each subdistrict shall post written or printed notices in three or more conspicuous places in his subdistrict at least six days prior to the election designating the day and hour of opening and the hour of closing the election, and he shall also designate whether a director or subdirector shall be elected, the election shall be held at the usual place of holding school meetings in the subdistrict; the meetings shall be organized by appointing a chairman and secretary, who shall act as judges of the election under oath or affirmation, which, oath or affirmation may be administered by the director of the subdistrict, or any other person competent to administer such an oath or affirmation, and the secretary shall keep a poll book and tally sheet which shall be signed by the judges and delivered within eight days to the clerk of the township.

Township districts:

Notice of election.

Designation of office to be filed.

Election, where held.

Judges; oath.

SECTION 2. Said original section 3917 of the Revised Statutes of Ohio, be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President of the Senate.

Passed May 9, 1902.

309G

[House Bill No. 669.]

AN ACT

To amend section 3995 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3995 of the Revised Statutes of Ohio be amended so as to read as follows:

Libraries:

SEC. 3995. In any district the board of education may appropriate money from the contingent fund for the purchase of such books, other than school books, as it may deem suitable for the use and improvement of the scholars and teachers of the district, and in the purchase of philosophical or other apparatus for the demonstration of such branches of education as may be taught in the schools of the district, or for either of such purposes; but not more than one-third of the amount herein authorized to be appropriated shall be expended in the purchase of such apparatus; such appro-

Certain boards may appropriate money for library, etc.

priation shall not exceed, in any one year, twelve hundred dollars in city districts containing cities of the first grade of the first class, and three hundred dollars in other districts; and the books so purchased shall constitute a school library, the control and management of which shall be vested in the board of education. The board of education of any city of the second class, fourth grade, having a free public library, organized in pursuance of law, may allow such free public library association the use and control of the public school library; subject, however, to such rules, regulations and restrictions as said board of education may prescribe for the use and control thereof.

Repeals, etc.

SECTION 2. That said original section 3995 of the Revised Statutes of Ohio be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President of the Senate.

Passed May 10, 1902.

323G

[Senate Bil No. 337.]

AN ACT

To amend section 4104 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Colleges and
universities:

SECTION 1. That section 4104 of the Revised Statutes of Ohio, as amended April 16th, 1900 (94 O. L., 399), be amended so as to read as follows:

Cincinnati
university;
when and how
tax to be
levied.

SEC. 4104. In cities of the first grade of the first class where there are universities supported in whole or in part by public taxation upon the property of such city, the board of legislation of the city may assess and levy, annually, a tax on the taxable property of the city not exceeding three-tenths of one mill on the dollar valuation thereof, to be applied by the board of directors to the support of such university, college, or institution; and may also assess and levy, annually, not exceeding five hundredths of one mill on the dollar of such valuation, for the establishment and maintenance of an astronomical observatory in connection with such university, college or institution, the proceeds of which shall be applied by the board of directors for said purpose exclusively. Said levies shall be made in compliance with the provisions and requirements and in accordance with the mode of procedure prescribed by sections 2690f, 2690g, and 2690i, of the Revised Statutes of Ohio, and the city auditor, the board of legislation and the board of tax commissioners of any such city shall do and perform any and all of the duties prescribed in said sections in as

full a manner as respectively required of them in making the tax levy for such city. The funds of such university shall be paid out by the city treasurer upon the orders of the board of directors and the warrant of the city auditor.

SECTION 2. That said section 4104 be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage. Repeals, etc.

W. S. McKINNON,
Speaker of the House of Representatives.

F. B. ARCHER,
President of the Senate.

Passed May 12, 1902.

379G

[House Bill No. 406.]

AN ACT

To amend sections 4364-66, 6986-7, and 6986-8 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4364-66, 6986-7, and 6986-8 of the Revised Statutes of Ohio be amended so as to read as follows: Offenses
against public
policy:

(Sec. 4364-66.) That no person, company or corporation, as aforesaid, shall give employment to any minor, without agreeing with said minor what wages or compensation he or she shall be entitled to receive per day, week, month or year or per piece for work performed; and written evidence of such agreement shall be furnished to such minor, and on or before each pay day a statement of earnings due, and the amount thereof to be paid to him or her on such pay day shall be given to such minor, and no subsequent change shall be made in the wages or compensation of such minor without notice of the same being given to him or her at least twenty-four hours previous to its going into effect, and when such change is effected written agreement shall be given as in the first instance to said minor employe. Provisions
governing
employment
of minors.

Sec. 6986-7. No child under the age of fourteen years shall be employed in any factory, workshop, mercantile or other establishment, directly or indirectly at any time; and no such child under said age shall be employed in any other manner, whether it be for compensation or otherwise, when the public schools in which district such child resides are in session. It shall be the duty of every person employing minors under the age of eighteen years to keep a register in which shall be recorded the name, birthplace, age and place of residence of every minor employed by him under the age of eighteen years. Unlawful
employment
of minors.

(Sec. 6986-8.) No boy under sixteen years of age and no girl under eighteen years of age shall be employed Night
employment.

Number of
hours of
employment;
noon meal.

Notices
posted by
employers.

Repeals, etc.

at any work at night time later than seven o'clock in the evening nor earlier than six o'clock in the morning, and no minor under eighteen years of age shall be employed in any of the places named in section 6986-7 of the Revised Statutes of Ohio for a longer period than ten hours in one day, nor more than fifty-five hours in one week; and every such minor under eighteen years of age shall be entitled to no less than thirty minutes for meal time at noon, but such meal time shall not be included as part of the work hours of the day; and every employer shall post in a conspicuous place in every room where such minors are employed a printed notice stating the maximum number of work hours required in one week, and in each day of the week from such minors, such printed notice to be furnished by the chief inspector of workshops and factories, and approved by the attorney general.

SECTION 2. That said original sections 4364-66, 6986-7 and 6986-8 of the Revised Statutes of Ohio be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President of the Senate.

Passed May 12, 1902.

414G

[Senate Bill No. 266.]

AN ACT

To amend and supplement sections 3897*b*, 3897*c*, 3897*d*, 3897*e*, 3897*f*, 3897*g*, 3897*h*, and 3897*i* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

School-teach-
ers' pension.

SECTION 1. That sections 3897*b*, 3897*d* and 3897*h* of the Revised Statutes of Ohio, as amended April 16, 1900, and section 3897*i* of the Revised Statutes as enacted April 16, 1900, and sections 3897*c*, 3897*e*, 3897*f* and 3897*g*, as passed April 14, 1896, be amended so as to read as follows:

Trustees of
school-teach-
ers' pension
fund; num-
ber, election
and term.

Sec. 3897*b*. Whenever the board of education of any school district shall declare by resolution, adopted by a majority vote of the members of said board, that it is advisable to create a school-teachers' pension fund for such school district, said school-teachers' pension fund shall be under the charge, management and control of a board to be known as the board of trustees of the of the school-teachers' [pension fund for such school] district, which board shall be composed of not less than three, nor more than seven, members, as said board of education shall by resolution declare; if composed of less than five members, one of the members of said board of trustees of the school-teachers'

pension fund of such school district shall be elected by the board of education of such school district, and the remaining members by the teachers of the public schools, including the teachers of any high schools, of such district, who have accepted the provisions of this act, as hereinafter provided; if such board is to be composed of five or more members, two of the members of said board of trustees of said school district shall be elected by the board of education of such school district, and the remaining members by the teachers of the public schools, including the teachers of any high schools of such school district, who have accepted the provisions of this act, as herein provided; such election of the members of said board by the teachers to be at a meeting called by the superintendent of schools of such school district, the first election to be at a meeting to be called by such superintendent when one-third of the teachers of the public schools of such school district shall have accepted the provisions of this act; the members of said board of trustees of the school-teachers' pension fund shall be elected for such length of time as the board of education of such school district shall by resolution declare, to serve not less than one, nor more than three, years, and shall serve until their successors are elected and qualified, such service to be without compensation.

Sec. 3897c. Whenever the board of education of any school district shall have declared the advisability of creating a school-teachers' pension fund, as herein provided, the clerk of said board of education shall notify each and every teacher in the public schools and high schools, if any, of said school district, by notice in writing of the passage of such resolution, and require said teachers to notify said board of education in writing within thirty days from the date of said notice whether they consent or decline to accept the provisions of this act; and from and after the election of the board of trustees herein provided for, the sum of two dollars (\$2) shall be deducted by the proper officers from the monthly salary of each teacher who may have accepted the provisions of this act, and from the salary of such new teachers as may hereafter accept the same, as herein provided, said sum to be paid into and applied to the credit of said school-teachers' pension fund, and shall continue to so deduct said sum during the remainder of the term of service of said teacher. All teachers hereafter appointed in said public schools, or high schools, if any, in said school district, shall be notified within thirty days after their appointment by the clerk of such board of education of the election of said board of trustees of said school-teachers' pension fund, and they shall be required to notify said board of education within six months thereafter whether they consent or decline to accept the provisions of this act. All moneys received from donations, legacies, gifts, bequests or from any other source shall also be paid into said fund, or into a permanent fund, and

How fund
created and
invested.

if paid into a permanent fund, the interest only of said fund shall be applied to the payment of pensions.

Said board of trustees shall have power to invest said pension fund in the name of said board in bonds of the United States, or of the state of Ohio, or of any county in this state, or of any municipal corporation in this state, or of any school district in this state; and said board shall have power to make payments from said pension fund for pensions granted in pursuance of this act. Said board of trustees shall also have power from time to time to make and establish such rules and regulations for the administration of said pension fund as they shall deem best.

Retirement
and pension
of teachers.

Sec. 3897d. Said board of education of said school district, and any union board, or other separate board, if any, having the control and management of the high schools of said school district, shall each of them have power by a majority vote of all the members composing said board to retire on account of physical or mental disability, any male or female teacher under such board who shall have taught for a period aggregating twenty (20) years, whether before or after, or partly before or after, the passage of this act; provided, however, that three-fifths of said period of service shall have been rendered by said beneficiary in the public schools or high schools of said school district, or in the public schools or high schools of the county in which said school district is located, and the remaining two-fifths of said period of service in the public schools of this state or elsewhere.

Meaning
of term
"teacher."

"The term 'teacher' under this act, shall include all teachers regularly employed by either of said boards in the day schools, including the superintendents of schools, all superintendents of instruction, principals, and special teachers, and in the estimation of years of service, only service in public day schools or day high schools, supported in whole or in part by public taxation, shall be considered. Any teacher shall have the right to retire and become a beneficiary under this act who shall have taught for a period aggregating thirty (30) years, whether before or after, or partly before or after, the passage of this act; provided that three-fifths of said term of service shall have been rendered in the public schools or in the high schools of said school district, or in the public schools or high schools of the county in which said district is located, and the remaining two-fifths of said term of service in the public schools of this state or elsewhere. Each teacher so retired or retiring shall be entitled during the remainder of his or her natural life to receive as pension, annually, the sum of ten dollars (\$10) for each and every year of service rendered as teacher, but in no event shall such pension paid to any teacher exceed the sum of five hundred dollars (\$500) in any one year, and said pensions shall be paid monthly during the school year; but in no event shall such pension be paid to any teacher until such teacher

Amount of
pension.

Who not
entitled to
pension.

shall contribute, or shall have contributed, to said fund a sum equal to twenty dollars (\$20) a year for each and every year of service rendered as teacher, but in no event shall this sum exceed six hundred dollars (\$600); but should any teacher retiring be unable to pay the full amount of this sum before receiving a pension, the board of trustees shall, in paying the annual pension to such retiring teacher withhold on each month's payment twenty per cent. thereof, until the full amount as above provided shall have been thus contributed to the fund; provided further, that if said pension fund shall at any time be insufficient to meet the pensions so provided for, that during the period that such fund is insufficient to make such payment, the amount in said fund during said period shall be pro-rated between the parties entitled thereto.

How, when
fund insuffi-
cient to pay
pensions.

Sec. 3897e. Said board of trustees shall have the power to use both the principal and income of said fund for the payment of the premiums herein provided for, and the expense thereof. No portion of said pension fund shall, before its distribution and payment by said board of trustees to the beneficiaries, be liable to be taken or subjected by any writ or legal process against the beneficiary.

Use of
principal and
income.

Sec. 3897f. The clerk of the board of education of said school district, and the clerk of the union board of high schools, or other separate board having the control and management of the high schools of said school district, if any, shall each of them certify monthly to said board of trustees all amounts deducted from the salaries of the teachers as aforesaid, which amounts, as well as all other moneys contributed to said fund, shall be set apart as a special fund for the purposes herein specified, subject to the order of said board of trustees. All moneys belonging to said fund shall be paid only on the order of said board of trustees, entered upon its minutes on warrants signed by the president and secretary of said board.

Monthly cer-
tifications of
deductions
from salaries.

Sec. 3897g. The treasurer of said school district shall be the custodian of said pension fund, and shall keep the same subject to the order, control and direction of said board of trustees. He shall keep books of accounts concerning said fund in such manner as may be prescribed by said board, which books of account shall always be subject to the inspection of said board of trustees or of any member thereof. Said treasurer shall execute a bond to said board of trustees with good and sufficient sureties in such sum as said board of trustees shall require, which bond shall be subject to the approval of said board and be conditioned for the faithful performance of his duties as custodian of said board and treasurer of said board. He shall always keep and truly account for all moneys and profits coming into his hands as such treasurer belonging to such fund, and at the expiration of his term of office shall pay over, surrender and deliver to his successor all securities, moneys and other property of whatsoever kind, nature and descrip-

Who custo-
dian of fund.

tion which may be in his hands or under his control as treasurer aforesaid. Said treasurer shall be paid for his services under this act as compensation not to exceed one per cent. annually of the amount paid into said fund during the year.

Rebate in case of resignation or removal.

Sec. 3897h. Any teacher who shall resign or be removed for cause, as aforesaid, shall, upon application within three (3) months after such resignation or removal takes effect, be entitled to receive one-half of the total amount paid by such teacher into such fund.

Heirs, legatees or assigns of deceased teacher entitled to half amount paid.

In case of the death of any teacher, the heirs, legatees or assigns of the deceased teacher shall be entitled to receive one-half of the total amount paid by such teacher into such fund upon application therefor, with proof of claim to the satisfaction of the board of trustees.

Rules and regulations.

Sec. 3897i. The board of trustees shall make such rules and regulations as it may deem expedient or necessary for its government; which rules and regulations must be adopted, and when adopted, may be amended, by a vote of not less than two-thirds of all the members of said board of trustees.

Transfer of fund now existing to trustees herein created.

SECTION 2. That section 3897 of the Revised Statutes of Ohio, as amended and supplemented April 14th, 1896, and as further amended and supplemented April 16th, 1900, be further supplemented as follows:

Sec. 3897j. Upon the election and organization of a board of pension trustees under this act in any school district of this state, any school-teachers' pension fund hertofore created for said district under any former act, shall be transferred to the board of trustees created under this act by the board or persons having control thereof; and all beneficiaries now receiving pensions from the fund transferred as aforesaid, shall continue to receive pensions under this act.

Repeals.

SECTION 3. That sections 3897b, 3897d and 3897h of the Revised Statutes of Ohio, as amended April 16th, 1900, and section 3897i of the Revised Statutes as enacted April 16th, 1900, and sections 3897c, 3897e, 3897f and 3897g, as passed April 14th, 1896, be, and the same are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

W. S. MCKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President of the Senate.

Passed May 12, 1902.

425G

[House Bill No. 663.]

AN ACT

To amend sections 4022-1 to 4022-14 inclusive and to repeal sections 4025, 4027, and 4029 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4022-1 to 4022-14 inclusive of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 4022-1. All parents, guardians and other persons who have care of children, shall instruct them, or cause them to be instructed in reading, spelling, writing, English grammar, geography and arithmetic. Every parent, guardian or other person having charge of any child between the ages of eight and fourteen years shall send such child to a public, private or parochial school, for the full time that the school attended is in session, which shall in no case be for less than twenty-four weeks, and said attendance shall begin within the first week of the school term, unless the child is excused from such attendance by the superintendent of the public schools, in city or other districts having such superintendent, or by the clerk of the board of education in village, special and township districts not having such superintendent, or by the principal of the private or parochial school, upon satisfactory showing, either that the bodily or mental condition of the child does not permit of its attendance at school, or that the child is being instructed at home by a person qualified, in the opinion of the superintendent of schools in city or other districts having such superintendent, or the clerk of the board of education in special, village and township districts not having such superintendent, to teach the branches named in this section. In case such superintendent, principal or clerk refuse to excuse a child from attendance at school, an appeal may be taken from such decision to the probate judge of the county, upon the giving of a bond, within ten days after such refusal, to the approval of said judge, to pay all the cost of the appeal, and the decision of the probate judge in the matter shall be final. All children between the ages of fourteen and sixteen years, not engaged in some regular employment, shall attend school for the full term the schools of the district in which they reside are in session during the school year, unless excused for [the] reasons above named. Any parent, guardian, or other person, having care of a child between the ages of eight and fourteen years, who shall, in violation of the provisions of this section, fail to place such child in school at the commencement of the annual school term within the time prescribed in this section, shall upon conviction, be fined not less than five dollars nor more than twenty dollars. And upon the failure or refusal of any such parent, guardian, or other person to pay said fine, then said parent, guardian, or other person shall be imprisoned in the county jail not less than ten days nor more than thirty days.

Compulsory education:

In what branches children must be taught.

Necessary time of attendance.

Excuse.

Appeal in case of refusal to excuse.

Penalty for failure to place child in school as herein provided.

Employment
of children
under age of
fourteen years;
when unlaw-
ful; penalty.

Sec. 4022-2. No child under fourteen years of age shall be employed or be in the employment of any person, company or corporation, during the school term and while the public schools are in session, unless such child shall present to such person, company or corporation an age and schooling certificate herein provided for. An age and schooling certificate shall be approved only by the superintendent of schools, or by a person authorized by him, in city or other districts having such superintendent, or by the clerk of the board of education in village, special and township districts not having such superintendent upon a satisfactory proof of the age of such minor and that he has successfully completed the studies enumerated in section 4022-1 of the Revised Statutes of Ohio; or if between the ages of fourteen and sixteen years, a knowledge of his or her ability to read and write legibly the English language. The age and schooling certificate shall be formulated by the state commissioner of common schools and the same furnished, in blank, by the clerk of the board of education. Every person, company or corporation employing any child under sixteen years of age, shall exact the age and schooling certificate prescribed in this section, as a condition of employment and shall keep the same on file, and shall upon request of the truant officer hereinafter provided for, permit him to examine such age and schooling certificate. Any person, company or corporation, employing any minor contrary to the provisions of this section shall be fined not less than twenty-five nor more than fifty dollars.

Attendance of
minors in cer-
tain cases.

Sec. 4022-3. All minors over the age of fourteen and under the age of sixteen years, who cannot read and write the English language shall be required to attend school as provided in section 4022-1 of the Revised Statutes of Ohio and all the provisions of said section shall apply to said minors; provided, that such attendance shall not be required of such minors after they have secured a certificate from the superintendent of schools, in districts having superintendents or the clerk of the board of education in districts not having superintendents, that they can read and write the English language. No person, company or corporation shall employ any such minor during the time schools are in session, or having such minor in their employ shall immediately cease such employment, upon notice from the truant officer who is hereinafter provided for. Every person, company or corporation violating the provisions of this section shall be fined not less than twenty-five nor more than fifty dollars.

Employment
of such min-
ors; penalty.

Juvenile
disorderly
persons.

Sec. 4022-4. Every child between the ages of eight and fourteen years, and every child between the ages of fourteen and sixteen years unable to read and write the English language, or not engaged in some regular employment, who is an habitual truant from school, or who absents itself habitually from school, or who, while in attendance at any public, private or parochial school, is incorrigible, vicious

or immoral in conduct, or who habitually wanders about the streets and public places during school hours having no business or lawful occupation, shall be deemed a juvenile disorderly person, and be subject to the provisions of this act.

Sec. 4022-5. To aid in the enforcement of this act, truant officers shall be appointed and employed as follows: In city districts the board of education shall appoint and employ one or more truant officers; in special, village and township districts the board of education shall appoint a constable or other person as truant officer. The compensation of the truant officer shall be fixed and paid by the board appointing him. The truant officer shall be vested with police powers, the authority to serve warrants, and shall have authority to enter workshops, factories, stores and all other places where children may be employed, and do whatever may be necessary, in the way of investigation or otherwise, to enforce this act; he is also authorized to take into custody the person of any youth between eight and fourteen years of age, or between fourteen and sixteen years of age when not regularly employed or when unable to read and write the English language, who is not attending school, and shall conduct said youth to the school he has been attending, or which he should rightfully attend. The truant officer shall institute proceedings against any officer, parent, guardian, person or corporation violating any provisions of this act, and shall otherwise discharge the duties described in this act, and perform such other services as the superintendent of schools or the board of education may deem necessary to preserve the morals and secure the good conduct of school children, and to enforce this act. The truant officer shall keep a record of his transactions for the inspection and information of the superintendent of the schools and the board of education; and he shall make daily reports to the superintendent of schools during the school term in districts having superintendents, and to the clerk of the board of education in districts not having superintendents, as often as required by him. Suitable blanks for the use of the truant officer shall be provided by the clerk of the board of education.

Truant officers; powers and duties.

Sec. 4022-6. It shall be the duty of all principals and teachers of all schools, public, private and parochial, to report to the clerk of the board of education of the city, special, village or township district in which the schools are situated, the names, ages and residences of all pupils in attendance at their schools, together with such other facts as said clerk may require, in order to facilitate the carrying out of the provisions of this act, and the clerk shall furnish blanks for such purpose, and such report shall be made during the last week of each month from September to June inclusive of each year. It shall be the further duty of such principals and teachers to report to the truant officer, the superintendent of public schools, or the clerk of the board of education, all cases of truancy or incorrigibility in their respective schools

Report of principal and teachers.

as soon after these offenses have been committed as practicable.

Proceedings
in case of
truancy;
penalties.

Sec. 4022-7. On the request of the superintendent of schools or the board of education, or when it otherwise comes to his notice, the truant officer shall examine into any case of truancy within his district, and warn the truant and his parents, guardian or other person in charge, in writing, of the final consequences of truancy if persisted in. When any child between the ages of eight and fourteen years, or any child between the ages of fourteen and sixteen years who cannot read and write the English language or who is not regularly employed, is not attending school, in violation of the provisions of this act, the truant officer shall notify the parent, guardian or other person in charge of such child, of the fact, and require such parent, guardian or other person in charge, to cause the child to attend some recognized school within two days from the date of the notice; and it shall be the duty of the parent, guardian or other person in charge of the child, so to cause its attendance at some recognized school. Upon failure to do so, the truant officer shall make complaint against the parent, guardian or other person in charge of the child, in any court of competent jurisdiction in the city, special, village or township district in which the offense occurs, for such failure, and upon conviction, the parent, guardian or other person in charge, shall be fined not less than five dollars nor more than twenty dollars, or the court may in its discretion, require the person so convicted to give a bond in the penal sum of one hundred dollars, with sureties to the approval of the court, conditioned that he or she will cause the child under his or her charge to attend some recognized school within two days, thereafter and to remain at such school during the term prescribed by law; and upon the failure or refusal of any such parent, guardian or other person to pay said fine and costs or furnish said bond according to the order of the court, then said parent, guardian or other person shall be imprisoned in the county jail not less than ten days nor more than thirty days.

Proceedings
against
juvenile disorderly persons.

Sec. 4022-8. If the parent, guardian or other person in charge of any child shall, upon the complaint under the last section for a failure to cause the child to attend a recognized school, prove inability to do so, then he or she shall be discharged, and thereupon the truant officer shall make complaint that the child is a juvenile disorderly person within the meaning of section 4022-4 of the Revised Statutes of Ohio. If such complaint be made before any mayor, justice of the peace, or police judge, it shall be certified by such magistrate, to the probate judge. The probate judge shall hear such complaint, and if he determine that the child is a juvenile disorderly person within the meaning of section 4022-4 of the Revised Statutes of Ohio he shall commit the child if under ten years of age, and eligible for admission thereto, to a children's home, or if not eligible, then to a house of refuge if there be one in the county or to the boys'

industrial school or the girls' industrial home, or to some other juvenile reformatory. No child over ten years of age shall be committed to a county children's home, and any child committed to a children's home, may on request of the trustees of such home and it being shown that it is vicious and incorrigible, be transferred by the probate judge to the boys' industrial school or the girls' industrial home. A child committed to any juvenile reformatory under this section, shall not be detained there beyond the age of sixteen years and may be discharged sooner by the trustees under the restrictions applicable to other inmates. Any order of commitment to a juvenile reformatory may be suspended, in the discretion of the probate judge, for such time as the child may regularly attend school and properly conduct itself. The expense incurred in the transportation of a child to a juvenile reformatory and the costs in the case in which the order of commitment is made, or the child discharged, or in which judgment is suspended, shall be paid by the county where the offense was committed, after the manner provided in section 759 of the Revised Statutes of Ohio. Provided, further, that if for any cause the parent, guardian or other person in charge of any juvenile disorderly person as defined in section 4022-4 of the Revised Statutes of Ohio shall fail to cause such juvenile disorderly person to attend school, then complaint against such juvenile disorderly person shall be made, heard and determined in like manner as provided in case the parent proves inability to cause such juvenile disorderly person to attend school.

Sec. 4022-9. When any truant officer is satisfied that any child, compelled to attend school by the provisions of this act, is unable to attend school because absolutely required to work, at home or elsewhere, in order to support itself or help support or care for others legally entitled to its services, who are unable to support or care for themselves, the truant officer shall report the case to the authorities charged with the relief of the poor, and it shall be the duty of said officers to afford such relief as will enable the child to attend school the time each year required under this act. Such child shall not be considered or declared a pauper by reason of the acceptance of the relief herein provided for. In case the child, or its parents or guardian, refuse or neglect to take advantage of the provisions thus made for its instruction, such child may be committed to a children's home or a juvenile reformatory, as provided for in section 4022-8 of the Revised Statutes of Ohio. In all cases where relief is necessary it shall be the duty of the board of education to furnish text books free of charge and said board may furnish any further relief it may deem necessary, the expenses incident to furnishing said books and relief to be paid from the contingent funds of the school district.

Relief to enable child to attend school required time.

Sec. 4022-10. The provisions of this act shall apply to children entitled under existing statutes, to attend school at the institution for the deaf and dumb or the institution

As to institution for deaf and dumb or institution for the blind.

for the blind, so far as the same are properly enforceable. Truant officers shall, within sixty days after the passage of this act, and annually between the first day of July and the first day of August, report to the probate judge of their respective counties the names, ages and residence of all such children between the ages of eight and eighteen years, with the names and postoffice address of their parents, guardians or the persons in charge of them; also a statement whether the parents, guardians or person in charge of each child is able to educate and is educating the child, or whether the interests of the child will be promoted by sending it to one of the state institutions mentioned. Upon information thus or otherwise obtained, the probate judge may fix a time when he will hear the question whether any such child shall be required to be sent for instruction to one of the state institutions mentioned, and he shall thereupon issue a warrant to the proper truant officer or some other suitable person, to bring the child before such judge at his office at the time fixed for the hearing; and shall also issue an order on the parents, guardian or person in charge of the child to appear before him at such hearing, a copy of which order, in writing, shall be served personally on the proper person by the truant officer or other person ordered to bring the child before the judge. If, on the hearing, the probate judge is satisfied that the child is not being properly educated at home, and will be benefitted by attendance at one of the state institutions mentioned, and is a suitable person to receive instruction therein, he may send or commit such child to such institution. The cost of such hearing, and the transportation of the child to such institution shall be paid by the county after the manner provided, where a child is committed to a state reformatory under section 4022-8 of the Revised Statutes of Ohio; provided nothing in this section contained shall be construed to require the trustees of either of the state institutions mentioned, to receive any child not a suitable subject to be received and instructed therein under the laws, rules and regulations governing such institutions.

Penalties.

Sec. 4022-11. Any officer, principal, teacher or other person mentioned in this act, neglecting to perform any duty imposed upon him by this act, shall be fined not less than twenty-five dollars nor more than fifty dollars for each offense. Any officer or agent of any corporation violating any provision of this act, who participates or acquiesces in or is cognizant of such violation, shall be fined not less than twenty-five dollars nor more than fifty dollars. Any person who violates any provision of this act for which a penalty is not elsewhere in this act provided, shall be fined not more than fifty dollars. Mayors, justices of the peace, police judges, and probate judges shall have jurisdiction to try the offenses described in this act, and their judgment shall be final. When complaint is made, information filed, or indictment found against any corporation for violating this act,

Jurisdiction.

Violations by corporations.

summons shall be served, appearance made, or plea entered, as provided in section 7231, Revised Statutes of Ohio, except that in complaints before magistrates, service shall be made by the constable. In all other cases process shall be served and proceedings had, as in cases of misdemeanor. In every case of complaint against a child involving commitment to any children's home or juvenile reformatory, the board of county visitors shall be notified and must attend and protect the interest of the child on the hearing, as provided in section 633-18 of the Revised Statutes of Ohio; and the order of commitment of the child to a state reformatory must show that the county visitors were so notified and attended the hearing. All fines collected under the provisions of this act shall be paid into the funds of the school district in which the offense was committed. Boards of education are authorized to employ legal counsel to prosecute any case arising under the provisions of this act when it shall deem the same necessary, and the services of such counsel shall be paid for from the contingent fund of the district.

Disposition of
fines collected.

Employment
of attorney;
compensation.

Sec. 4022-12. Every person who, after being once convicted for violating any of the provisions of this act, shall be convicted of again violating any of the provisions of this act, may, in addition to the punishment by way of a fine elsewhere provided for, be imprisoned not less than ten days nor more than thirty days. On complaint, before a mayor, justice of the peace, or police judge of a second violation of this act involving punishment by imprisonment, if a trial by jury be not waived, a jury shall be chosen and the case tried, after the manner provided in section 3718a, of the Revised Statutes of Ohio.

Repeated
violations.

Sec. 4022-13. It is hereby made the duty of every board of education in this state, to provide sufficient accommodations in the public schools for all children in their district compelled to attend the public schools under the provisions of this act. Authority to levy the tax and raise the money necessary for such purpose, is hereby given the proper officers charged with such duty under the law.

Sufficient
school accom-
modations to
be provided.

Sec. 4022-14. No person or officer instituting proceedings under this act shall be required to advance, or give security for costs; and if a defendant is acquitted or discharged, or if convicted and committed to jail in default of payment of fine and costs, the justice, mayor, police judge or probate judge, before whom such case was brought shall certify such costs to the county auditor, who shall examine and, if necessary, correct the account, and issue his warrant to the county treasurer in favor of the respective persons to whom such costs are due for the amount due to each.

Costs in
prosecutions
under this act.

SECTION 2. That said original sections 4022-1, 4022-2, 4022-3, 4022-4, 4022-5, 4022-6, 4022-7, 4022-8, 4022-9, 4022-10, 4022-11, 4022-12, 4022-13, 4022-14, 4025, 4027, and 4029 of the Revised Statutes of Ohio, be and the same

Repeals, etc.

are hereby repealed, and this act shall take effect and be in force from and after its passage.

W. S. MCKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President of the Senate.

Passed May 12, 1902.

427G

[House Bill No. 894.]

AN ACT

To amend sections 3927-1, 3927-2, 3927-3, 3927-4, 3927-5, 3927-6, 3927-7 and 3927-8 and to further supplement section 3927 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Township
and special
districts:

SECTION 1. That sections 3927-1, 3927-2, 3927-3, 3927-4, 3927-5, 3927-6, 3927-7 and 3927-8 of the Revised Statutes of Ohio be amended, and section 3927 be further supplemented to read as follows:

"Centraliza-
tion" defined.

SECTION 2. 3927-1. For the purposes of this act the word "centralization" is hereby defined as a system of schools in a township providing for the abolishment of all sub-districts and the conveyance of pupils to one or not to exceed two central schools.

Submission of
question of
centralization.

Sec. 3927-2. A township board of education may submit the question of centralization, and upon the petition of not less than one-fourth of the qualified electors of such township district, must submit such question to a vote of the qualified electors of such township district, and if more votes are cast in favor of centralization than against it, at such election, it shall then become the duty of the board of education, and such board of education is required to proceed at once to the centralization of schools of the township and if necessary, purchase a site or sites and erect a suitable building or buildings thereon; provided, that if, at the said election, more votes are cast against the proposition for centralization than for it, the question shall not again be submitted to the electors of said township district for a period of two years.

Submission of
question of de-
centralization.

When the schools of a township have been centralized, such centralization shall not be discontinued within three years thereafter, and then only by petition and election as required herein and if at such election more votes are cast against centralization than for it the division into sub-districts as they existed prior to centralization, shall be thereby reestablished and at the next regular election for school officers, directors and subdirectors shall be elected and a board of education established as provided in sections 3915, 3916 and 3917 of the Revised Statutes of Ohio, provided that the notices required in section 3917 shall

be given by the clerk of the board of education; when said newly elected board shall have been duly organized it shall be the successor of the centralized township board and said centralized board shall be thereby abolished.

Sec. 3927-3. All elections ordered by a board of education in pursuance of section 3927-1 of the Revised Statutes of Ohio shall be held at the usual place or places of holding township elections, at a regular or special election as may be determined by the board and notice shall be given and the election conducted in all respects as provided by law for the election of township officers, and the ballots shall have printed thereon: "For centralization — yes." "For centralization — no."

Conduct of elections.

Sec. 3927-4. Should the board of education deem it necessary to issue bonds to purchase a site or sites or erect a building or buildings for the purposes of such centralization, then the election shall be conducted as provided in section 3927-2 of the Revised Statutes of Ohio, but in such case the ballots shall have printed thereon: "For levying a tax to purchase site (or sites) and erect building (or buildings) for the centralization of schools at a cost not to exceed \$., yes." "For levying a tax to purchase site (or sites) and erect building (or buildings) for the centralization of schools at a cost not to exceed \$., no." And if more votes are cast in favor of levying said tax for said purpose than against said proposition, at such election, it shall be the duty of the said board of education, and the board of education is authorized to issue bonds and sell the same as provided by law and to levy a special tax to provide for the payment of the same, together with interest thereon; provided said levy shall not in any one-year exceed five mills on the dollar valuation and said bonds shall not bear more than six per cent. interest and shall not be sold at less than their face value.

Submission of question of issuing bonds.

Sec. 3927-5. In a township district in which proceedings have been had under the preceding sections, and the vote has been favorable for centralization, there shall be an election held on the next succeeding first Monday of April for the election of a board of education consisting of five members elected at large in said township district; one of whom shall serve for three years, two for two years and two for one year; and two members shall be elected annually thereafter for a term of three years, except, every third year but one shall be elected for three years. Said election shall be held at the annual voting place or places in said township, by the regular election officers and shall be conducted in all respects as provided by law for the election of township officers; provided, there shall be a separate ballot box, poll books and tally sheets, and said election officers shall receive no extra compensation for such services. At such elections all the electors residing in any joint subdistrict, the school of which is controlled by the board of education of said centralized township district, shall be entitled to vote

Board of education; election and term.

and be eligible to office as members of said board; provided, however, that the school of said joint subdistrict shall be under the management and control of said centralized board and said joint subdistrict shall not be included in said centralization.

Abolishment
of prior ex-
isting board;
its successor.

Sec. 3927-6. Upon the election, qualification and organization of the board of education provided for in section 3927-4 of the Revised Statutes of Ohio the board of education previously existing in said township district shall cease to exist and the same is hereby abolished and the board of education provided for in this act shall be considered the successor of the former township board, with full power to levy taxes on property in joint subdistricts, in the same manner as the previously existing township board of education.

Township
treasurer ex
officio treas-
urer of board.

Sec. 3927-7. The treasurer of the township shall be ex officio treasurer of the board of education, provided, that in all other respects the laws governing village boards of education shall govern and control all boards of education organized as provided by this act.

Course of
instruction.

Sec. 3927-8. Boards of education in township districts organized as provided for by this act are required to maintain and support a graded course of instruction, and may include a high school course of not less than two years; they are also required to furnish transportation to and from school, to all pupils living more than three fourths of a mile from the central building, said distance to be measured from the enclosure immediately surrounding their residence to the schoolhouse property, along the nearest public highway.

Submission of
question of
detachment of
territory from
centralized
district and
attachment to
special dis-
trict.

Sec. 3927-9. Provided that in any township the schools of which have been, or may hereafter be, centralized and which township also contains a special school district, any territory which adjoins such special school district, and which prior to centralization comprised one or more subdistricts, may be taken out of such centralization and added to such special district, whenever a majority of the electors residing in such subdistrict territory shall petition such special district therefor, and a majority of the electors residing in such special district, at a general or special election held therein shall vote in favor thereof. The judges and clerk of said election shall certify the result thereof to the clerk of the board of education in such special district, and said board shall cause the same to be entered upon its record book, and if a majority of the electors voting at such election vote in favor thereof such addition shall be deemed complete, and said board of education shall cause a correct map of said special district including said added territory to be forthwith certified to the county auditor or auditors, in case more than one county is affected thereby, to be by him duly entered and recorded, and such added territory shall thereupon become subject to all the laws governing the taxation and conduct of special school districts. Provided further that in all special school districts having an enumeration of

Proviso.

less than two hundred there shall be maintained but one school, but nothing herein contained shall be construed as prohibiting different rooms or grades of the same school. The provisions of this section shall also apply to special districts and to subdistricts in townships that have not been centralized and the transfer of territory, whether the same is all in one county or in two or more counties can be made in like manner.

SECTION 2. That said original sections 3927-1, 3927-2, 3927-3, 3927-4, 3927-5, 3927-6, 3927-7 and 3927-8 of the Revised Statutes of Ohio be and the same are hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. COMINGS,
Speaker pro tem. of the House of Representatives.

F. B. ARCHER,
President of the Senate.

Passed May 12, 1902.

44IG

[Senate Bill No. 8.]

AN ACT

Authorizing boards of education to provide library privileges for city, village and special school districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of any city, village or special school district may by resolution, provide for the establishment, control and maintenance, in such school district, of a public library, free to all the inhabitants of such district, and for that purpose may acquire by purchase the necessary real property, and erect thereon a library building; it may acquire from any library association, by purchase or otherwise, its library and property; may receive donations and bequests of money or property for such library purposes and may maintain and support libraries now in existence and controlled by the board of education; and such board of education may annually make a levy upon the taxable property of such school district, in addition to all other taxes allowed by law, of not to exceed one mill for a library fund to be expended by such board of education, for the establishment, support and maintenance of such public library.

SECTION 2. The board of education may provide for the management and control of such library by a board of trustees to be elected by said board of education as herein provided. Such board of library trustees shall consist of seven members, who shall be residents of the school district, and no one shall be eligible to membership on said library board who is or has been for a year previous to his election, a mem-

ber or officer of the board of education. The term of office shall be seven years, except that at the first election the terms shall be such that one member shall retire each year. Should a vacancy occur in said board, it shall be filled by the board of education for the unexpired term. The members of said library board shall serve without compensation and until their successors are elected and qualified. Such library board in its own name shall hold the title to and have the custody, management and control of all libraries, branches, stations, reading rooms, and of all library property, real and personal, of such school district, and the expenditure of all moneys collected or received from any source for library purposes for such district. It shall have power to employ a librarian and assistants, but previous to such employment the compensation of such librarian and assistants shall be fixed. Such library board shall have the power, by a two-thirds vote of its members, to purchase or lease grounds and buildings, and erect buildings for library purposes. It may accept any gift, devise or bequest for the benefit of such library. No member of the library board shall be interested, directly or indirectly, in any contract made by the board. The library board shall report annually in writing to the board of education.

SECTION 3. Whenever in any city, village or special school district a library established or controlled by a board of education shall contain twenty-five thousand or more volumes, it shall be managed, governed and controlled by a board of trustees elected by the board of education as provided in section 2 of this act.

SECTION 4. Said board of library trustees shall annually, during the month of May, certify to the board of education the amount of money that will be needed for increasing, maintaining and operating said library during the ensuing year in addition to the funds available therefor from other sources; and such board of education shall annually levy on each dollar of taxable property within said school district, in addition to all other levies authorized by law, such assessment not exceeding one mill, as shall be necessary to realize the sum so certified, the same to be placed on the tax duplicate and collected as other taxes. The proceeds of the said tax shall constitute a fund to be known and designated as the library fund: Payments therefrom shall only be made upon the warrant of the board of trustees of the library, signed by the president and secreary thereof.

SECTION 5. The board of education in any city, village or special school district shall have power to contract annually with any library corporation or other organization owning and maintaining a library, for the use of such library by the residents of such district, and it shall have power to levy annually a tax not exceeding one mill on the taxable property of such district to pay for the same; and such board of education shall require an annual report in writing from such library corporation or other organization.

SECTION 6. The board of education of any school district of the state, in which there is not a public library operated under public authority and free to all the residents of such district, may appropriate annually not to exceed two hundred and fifty dollars annually from its contingent fund for the purchase of books, other than school books, for the use and improvement of the teachers and pupils of such school district. The books so purchased shall constitute a school library, the control and management of which shall be vested in the board of education, which board shall have power to receive donations and bequests of money or property for such library.

SECTION 7. The board of education of any school district, or any board of trustees managing and controlling a library in any school district, may found and maintain a museum in connection with and as an adjunct to such library, and for such purpose may receive bequests and donations of money or other property.

SECTION 8. This act shall take effect and be in force on and after November 15, 1902, and all acts or parts of acts, not inconsistent herewith under which existing libraries are maintained, governed and controlled, shall be and remain in full force and effect.

W. S. MCKINNON,
Speaker of the House of Representatives.


H. L. GORDON,
President of the Senate.

Passed October 17, 1902.

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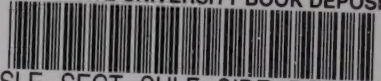
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